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REYNOLDS - PEOPLE - DIRECT - LEDERER

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you were driving around the north end of  
the park?

A No.

Q When you referred to the north end of the  
park, from what street north were you  
canvassing?

A North of 96th Street.

Q Can you describe in a general way what  
route you took?

A In canvassing?

Q Yes.

A We went through all the foot paths and --  
you know, all the routes we could to go  
through all the dark areas, and, you know,  
part of the park that weren't visible.

Q At any time did you see anybody or any  
group that resembled what you had heard on  
the radio?

A In the beginning, no.

Q And did you hear any other radio  
communications while you were canvassing  
the north end of the park?

A Yes.

Q What was the next radio communication that

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2 you heard?

3 A We got -- I heard our sergeant -- my  
4 sergeant from Anti-Crime had a possible  
5 group over at 100 Street and the West Drive  
6 in the playground.

7 Q What is your sergeant's name?

8 A Sergeant Lyle.

9 Q What did you do when you heard that  
10 communication?

11 A We responded to the area where he was.

12 Q Approximately what time was it that you  
13 arrived at that playground?

14 A That was about a quarter to ten, 10:00.

15 Q Did you have a conversation with Officer  
16 Alvarez at that location?

17 A Yes, I did.

18 Q Did he tell you whether he had seen  
19 anything in the park?

20 A Yes.

21 Q What, if anything, did Officer Alvarez tell  
22 you?

23 A He told me he saw a group of youths and  
24 when they saw the radio car, they all ran.

25 Q Did he describe the number of the people in

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the group?

3 A He said he saw about seven to ten of them.

4 Q Did he indicate that he had seen a larger  
5 group?

6 MR. MOORE: Objection.

7 MR. RIVERA: Objection.

8 MR. JOSEPH: Objection.

9 MR. BURNS: Objection.

10 MR. DILLER: Objection.

11 MR. BERMAN: Objection.

12 MR. MADDOX: Objection.

13 THE COURT: Sustained. Let him  
14 testify.

15 Q What else did he tell you about the people  
16 he saw?

17 A He stated they were male blacks and  
18 Hispanics and they were in their teens.

19 Q Did he tell you where he had seen the  
20 group?

21 A I believe he said he saw them on the east  
22 side.

23 MR. MOORE: Objection.

24 THE COURT: I'll let him answer.

25 Q Was he able to tell you whether it was in

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2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he  
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the  
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and  
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at  
13 100 Street?

14 A Not long, just long enough to -- for the  
15 show-up and to get a description from Police Officer  
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that  
18 location?

19 A Again we stayed in the north end and we  
20 went through all the trails and the inaccessible  
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication  
25 after you had been at the playground where Sergeant

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Lyle was?

A Yes.

Q What was the communication that you heard then?

A That there was a male jogger found beaten and bleeding profusely from his head.

Q Where was that -- was there a location with respect to where that jogger was found?

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

Q Where were you when you got that communication, if you recall?

A I believe we were at the East Drive again and 102nd Street.

Q Did the communication given with respect to that jogger contain any information about any people?

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

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A At that point I decided to leave the park and to start the canvas outside at Central Park West at 100 Street.

Q Where did you leave the park?

A We left at 100th Street and Central Park West.

Q Why did you leave the park at that time?

A Because I felt that the group was no longer in the park. We had canvassed for quite a while and the entire park was saturated with police vehicles.

Q Did you see other vehicles in the park other than those you refer to at the East Drive and 102nd Street?

A Other than what I described earlier?

Q During the time you were canvassing the park, other than what you already told us at the East Drive and 102nd Street, did you see any other police vehicles in the park?

A Just what I mentioned.

Q And when you were canvassing the north end of the park, did you see any sign of other police vehicles?

A Yes.

Q What did you see?

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2 A As I was going through the fields, I could  
3 see further north of me the headlights of the other  
4 vehicles going back and forth also in search for the  
5 group.

6 MS. LEDERER: With the permission of  
7 the Court, I'd ask the witness to please  
8 step down and approach People's 7 in  
9 evidence.

10 (Witness complies)

11 Q Would you please point on People's 7 in  
12 evidence and describe as you do, what area you're  
13 possibly pointing to, indicate where you were  
14 traveling and where you would see the other lights  
15 from other vehicles?

16 A We saw the other lights --

17 THE COURT: Excuse me, Officer, I have  
18 to remind you to speak as loud as you can  
19 because everybody over on this side has to  
20 hear you, and it is very difficult in this  
21 courtroom.

22 THE WITNESS: Okay.

23 I saw headlights from the other police  
24 cars going east and west across the  
25 ballfields here on the north end. I was

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2 south of them and I could see them -- I  
3 could see that the ballfields in this area  
4 was pretty well saturated with police cars  
5 and there was probably no group in there  
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area  
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some  
10 legend on that map that describes the area  
11 that you're in, please tell us what it is.  
12 I see there is some writing on that map.  
13 If you could tell us what it was, the area  
14 that you say you were driving in.

15 THE WITNESS: This is the north  
16 meadow, and it contains several baseball,  
17 softball, and a football field and we  
18 again, like I said, I had seen several  
19 radio cars going back and forth and they  
20 pretty well had the whole area covered. If  
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just  
25 tell us what you saw.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars  
3 going back and forth and they had the area  
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the  
7 record, the record should reflect the area  
8 of the North Meadow.

9 THE COURT: He covered the whole area  
10 of the North Meadow.

11 Q When you stated earlier that you decided at  
12 this time to leave the park, will you point out the  
13 route you took to enter the park?

14 A We left here at 100 Street, going west  
15 towards Central Park West.

16 Q What time was it, approximately, when you  
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left  
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at  
22 100th Street, just north of us, between 101st Street  
23 and 102nd, on the west side of the street, we saw a  
24 group of about 10, 15, male blacks and hispanics.  
25 They were teenagers.

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2 Q What, if anything, did you do when you saw  
3 that group?

4 A What we -- what I did was we started to  
5 drive northbound towards them to get a better look  
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the  
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went  
13 northbound on Central Park West approaching that  
14 group?

15 A Well, we saw the group. They were all --  
16 you know, walking together. We felt reasonably sure  
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure  
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: I'll allow that. Go ahead.

THE WITNESS: At one point the group had stopped --

MR. RIVERA: I didn't hear the statement he didn't feel reasonably what?

THE COURT: Did not make out who they were.

Q Continue.

A The group at one point stopped and they all started to look our way and started to point at us in the van, and I couldn't understand why because nobody wouldn't really --

MR. MOORE: Objection.

THE COURT: Finish your answer.

THE WITNESS: Nobody generally makes who we were.

MR. MOORE: Objection.

THE COURT: Objection sustained.

Don't tell us what people generally do. Just tell us what happened here.

THE WITNESS: What I did was I looked

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1 to our right and a marked police three-  
2 wheel scooter was on our right hand side  
3 and that's what panicked them.  
4

5 MR. MOORE: Objection.

6 MR. MADDOX: Objection.

7 THE COURT: Sustained. Just tell us  
8 what you saw.

9 Q When you looked and saw in your sideview  
10 mirror a scooter, where was this scooter?

11 A Right alongside the van on my side. It was  
12 on the other side of us, from the group.

13 Q Who was on that scooter?

14 A Police Officer Flores.

15 Q What did you do when you became aware that  
16 Police Officer Flores was pulling up besides you?

17 A Well, I felt -- it looked like the group  
18 was going to run to me.

19 MR. MOORE: Objection.

20 MR. JOSEPH: Objection.

21 THE COURT: I'll allow it, go ahead.  
22 Finish.

23 THE WITNESS: And I told my partner to  
24 take the van and pull it up ahead of them  
25 to cut them off so we can stop them.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to  
6 102nd Street and CPW, Central Park West on the  
7 southwest corner.

8 Q When you say the van was pulled up on the  
9 southwest corner of 102nd and Central Park West, can  
10 you describe exactly what position it was in in  
11 relation to the sidewalk and the street of 102nd  
12 Street?

13 A Okay. The van was facing west with the  
14 headlights facing west towards the building. Then  
15 my partner and myself got out of the van, we  
16 identified ourselves. AT that point the group  
17 started to run except for two. Those two were  
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the  
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let  
23 me just go back for a second. The van that you were  
24 describing, what color is the van?

25 A Green.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion  
3 of the van?

4 A In the back two doors -- I'm sorry, there  
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of  
11 102nd Street and Central Park West, you say you both  
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we  
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started  
18 to run?

19 A We got out of the van and we approached the  
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two  
22 people. Did you at the time that you stopped them  
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He  
5 didn't stop them. They were already  
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those  
9 two?

10 A We placed them against the wall and  
11 searched them.

12 Q Did you have your gun drawn when you got  
13 out of the van?

14 A No.

15 Q When you say you placed them against the  
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in  
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and  
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against  
25 the wall, Raymond Santana and Steve Lopez, did

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had  
6 just come from his girlfriend's house and didn't  
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he  
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he  
12 just came from the movies with his  
13 girlfriend and they watched the movie  
14 "Leviathan".

15 Q Did either of them say anything about the  
16 rest of the group?

17 A They stated they weren't with the group and  
18 Steven Lopez stated, I quote, "The group had talked  
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the  
25 group and the group had talked -- I quote,

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of  
4 those two people say anything with respect to the  
5 rest of the group I believe your answer began, "They  
6 said," could you tell us exactly what either one of  
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and  
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that  
12 they weren't with the group and they didn't  
13 know any of the others that had run. They  
14 stated that they were walking ahead of them  
15 and --

16 MR. RIVERA: Objection, your Honor,  
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said  
20 to you when he was stopped at 102nd Street and  
21 Central Park West?

22 A Raymond Santana said he wasn't with the  
23 group and he had just come from his girlfriend's  
24 house.

25 Q What, if anything, did Steven Lopez say at

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER  
2 that time?

3 A He stated he also was not with the group,  
4 that he had just come from his -- he had just come  
5 from the movies with his girlfriend and they watched  
6 the picture "Leviathan" and he also stated, and I  
7 quote, "Talked shit about ripping off -- ripping  
8 them off."

9 Q Did you ask either Defendant Lopez or  
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe  
13 how the group was in relation to the other members  
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central  
19 Park West, would you describe the relation of the  
20 group with one to the other?

21 A It was a homogenized group. They were  
22 altogether and they were all walking northbound.  
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of  
25 the street, approximately how much of the block was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and  
5 Santana, if you remember, in relation to the others  
6 in the group?

7 A They were in the group because the group  
8 was altogether.

9 Q What, if anything, happened after Lopez and  
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased  
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central  
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned  
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east  
21 and the group was ahead of him and they ran into the  
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between  
24 the time you saw him disappear from your sight going  
25 down the street until you saw the group coming back

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER  
2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into  
5 the park?

6 A Yes, I saw him run and jump over the wall  
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the  
9 defendants."

10 THE COURT: Yes, Objection sustained  
11 as to "after the defendants."

12 Q Did you see how many people were running in  
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do  
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park  
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers  
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The  
23 area on Central Park West, near 101st and 102nd, to  
24 your knowledge are there any movie theaters in that  
25 area?

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2 A No, there isn't.

3 Q Are there any community centers in that  
4 area?

5 A No.

6 MR. MADDOX: Judge, may I ask if he  
7 could repeat the question and answer?

8 THE COURT: Read the question and  
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West  
12 in that area?

13 A No. There's just a grocery store further  
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when  
16 he went into the park, what was the next thing that  
17 happened?

18 A I stood on the corner with Raymond Santana  
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No.

22 Q And where was the van?

23 A The van was right where we left it on 102nd  
24 Street and Central Park West.

25 Q Did either of them say anything further to

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not  
4 with the rest of them.

5 Q When you say they kept saying that, who  
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the  
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to  
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes  
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about  
25 a quarter to eleven?

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THE WITNESS: Sergeant Wheeler and Police Officer Morales pulled over after the call over the radio for a unit to pick up the two.

Q What happened when they responded?

A They responded over and we placed them into the car.

Q Placed whom in the car?

A Steven Lopez and Raymond Santana.

Q And what did you do at that point?

A I went with Police Officer Powers into the van, and we drove back to 100 Street and Central Park West to confer with our sergeant.

Q When Raymond Santana and Steve Lopez were put in the car with the sergeant, did you see where they went?

A They went to 100 Street and Central Park West.

Q And when you arrived at 100 Street and Central Park West, were Raymond Santana and Steve Lopez there?

A Yes.

Q Were they in the car or outside of the car?

A They were in the car.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And at what corner of that intersection  
3 were you at?

4 A The northeast corner.

5 Q When you arrived at that location, who did  
6 you arrive with?

7 A Police Officer Powers.

8 Q And who was already at that location?

9 A Sergeant Lyle and Police Officer Hennigan  
10 and the other officers.

11 Q And did you see anybody in custody other  
12 than Raymond Santana and Steve Lopez?

13 A Yes.

14 Q Who did you see at that time?

15 A I saw Kevin Richardson, Lamont McCall and  
16 Clarence Thomas.

17 Q Where did you see them?

18 A In the back of the radio car.

19 Q Were all three in the same radio car?

20 A I believe so. I'm not sure.

21 Q Was there a discussion at 100 Street and  
22 Central Park West?

23 A Yes, there was.

24 Q And what was the nature of the conversation  
25 had there?

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A I discussed with our sergeant -- I was told that three of the defendants had made statements.

MR. MOORE: Objection.

THE COURT: I will allow it.

A I was told three defendants had made statements placing themselves at the attack of Mr. Loughlin at 96th Street.

Q Who told you that?

A I was told that by Police Officer Powers and Sergeant Lyle.

Q And at that time was there a discussion at 100 Street and Central Park West?

A Yes.

Q Was there a discussion about doing a show-up?

A Yes.

Q And was a show-up conducted with John Loughlin at that time?

A No.

Q How long did you stay at 100 Street and Central Park West?

A I'd say about ten minutes; ten, fifteen minutes.

Q During that time were you out of the van or

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comfortably on the floor of the precinct than at home?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q Now, you told us on direct that about four in the morning, Lieutenant McInerney told you a woman's body had been discovered in the park?

A I believe that's the approximate time.

MR. BURNS: I didn't hear that question and answer.

THE COURT: Read it back.

(The court reporter read back the requested portion of the record.)

Q And Lieutenant McInerney told you to keep the kids for questioning about that, didn't he?

A He stated that the detectives wanted to speak to them.

Q And you understood that to mean to keep the kids for questioning about that woman, right?

A That's correct.

Q Now, you have told us by what time was it that Santana's grandmother arrived approximately?

A Let's see. It was after four.

Q But by 4:30 she was there, right?

Linda Fairstein

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1 at two precincts. 15:45:53

2 Q. Others were concerned about what 15:45:56

3 else? 15:45:59

4 A. Other officers I didn't know who 15:45:59

5 were in a similar position, who were not 15:46:06

6 being interviewed and expressed to my 15:46:09

7 former colleagues that they had 15:46:14

8 information they wanted to give to her, 15:46:17

9 her being Ms. Ryan. 15:46:20

10 Q. Do you know what officers 15:46:22

11 communicated with your former colleagues 15:46:24

12 to express that opinion or those opinions? 15:46:26

13 A. As I sit here today, I don't 15:46:29

14 know. I knew in 19 -- I'm sorry, I knew 15:46:31

15 some of the names in 2002. 15:46:36

16 Q. Did you take notes when you were 15:46:38

17 having these conversations with people in 15:46:40

18 the District Attorney's office who were 15:46:42

19 expressing their concern? 15:46:43

20 A. Not that I can think of. 15:46:46

21 Q. I guess we can go to April 20th 15:46:49

22 now for awhile. Fiston called you what 15:47:15

23 time in the morning? 15:47:22

24 A. As I recall, between 8:30 and 15:47:24

25 nine o'clock in the morning. 15:47:27

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Linda Fairstein

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1	Q.	At that time, did you know	15:47:29
2		anything about the events in Central Park	15:47:32
3		on April 19th?	15:47:35
4	A.	I don't believe that I did.	15:47:36
5	Q.	You saw nothing on television,	15:47:38
6		you heard nothing from other sources?	15:47:41
7	A.	I didn't see anything on	15:47:44
8		television the night of the 19th. I may	15:47:46
9		have heard a news, radio news report in	15:47:50
10		the morning, not about a rape, but about a	15:47:53
11		riot.	15:47:58
12	Q.	Do you know why Fiston called?	15:47:59
13	A.	Yes, I do.	15:48:05
14	Q.	Why?	15:48:06
15	A.	He called me shortly before nine	15:48:07
16		to tell me that a woman had been found	15:48:10
17		beaten, and presumably because of her	15:48:22
18		state of undress, sexually assaulted in	15:48:24
19		the ravine, and he had been called in	15:48:28
20		because there had been no sexual assault	15:48:34
21		allegation until that woman reached the	15:48:38
22		hospital.	15:48:40
23	Q.	What else did he tell you?	15:48:41
24	A.	He told me that the woman was as	15:48:47
25		yet unidentified, and he asked me in the	15:48:52

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1 usual course of prosecutorial business if 15:48:57  
2 I would assign a prosecutor to work on the 15:49:00  
3 prosecutorial events that might happen 15:49:06  
4 later in the day because there were 15:49:14  
5 already were suspects being questioned. 15:49:16  
6 Q. Did you make any notes about 15:49:22  
7 this conversation? 15:49:24  
8 A. No. 15:49:25  
9 Q. Did you create any memorandum 15:49:25  
10 afterwards about this conversation? 15:49:29  
11 A. Not that I recall. 15:49:30  
12 Q. Did he tell you anything else? 15:49:31  
13 A. At that time, only that we 15:49:35  
14 discussed that I would get back to him 15:49:39  
15 with the name and number of the Assistant 15:49:41  
16 DA, and that I would tell the District 15:49:44  
17 Attorney. 15:49:46  
18 Q. Did you understand that Fiston 15:49:46  
19 was calling you in line with the 15:49:48  
20 arrangement that you and Morgenthau had 15:49:50  
21 made, that whenever there was a rape in 15:49:53  
22 New York City, you should be contacted? 15:49:55  
23 A. Not exactly. 15:49:57  
24 Q. Why do you say that? 15:49:58  
25 A. Because it was not just a call 15:50:00

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1 to give me information. It was a call in 15:50:04  
2 which he was asking for the help that we 15:50:07  
3 provide in the instant moment. 15:50:12

4 Q. Fiston was calling you, right, 15:50:14  
5 right? 15:50:17

6 A. Fiston did call me. 15:50:17

7 Q. Right? 15:50:19

8 A. Yes, sir. 15:50:21

9 Q. And the reason Fiston called you 15:50:21  
10 about a rape was the arrangement you and 15:50:24  
11 Morgenthau had made with Fiston that you 15:50:27  
12 should be called about every rape; is that 15:50:29  
13 correct? 15:50:32

14 MS. DAITZ: Objection. 15:50:32

15 A. No, sir. 15:50:32

16 Q. Why is that not correct? 15:50:33

17 MS. DAITZ: Let her answer the 15:50:35  
18 question this time. 15:50:37

19 Q. Why is that not correct? 15:50:37

20 A. Because the practice that 15:50:39  
21 Morgenthau and I had requested to have 15:50:41  
22 with Mr. Fiston and other officers was for 15:50:45  
23 the information of a case. 15:50:49

24 So if a rape had happened on 15:50:50  
25 4/15 on East 30th Street and it wasn't 15:50:51

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1 solved, we'd know and have it under our 15:50:55  
2 roof as well. 15:51:00

3 On this morning when he called 15:51:01  
4 me, he was calling to ask me to assign a 15:51:03  
5 prosecutor now for the purpose, as we ride 15:51:06  
6 homicides and sex crimes as the expression 15:51:13  
7 is called, to have a prosecutor to be 15:51:15  
8 available to him within hours to help with 15:51:19  
9 the prosecutorial steps that would be 15:51:21  
10 taken at the station house. 15:51:24

11 Q. So it's your answer that the 15:51:26  
12 call that Fiston made to you had no 15:51:29  
13 connection with the arrangements that you 15:51:32  
14 and Morgenthau had made with Fiston to 15:51:33  
15 call and advise you about a rape, whether 15:51:37  
16 or not a person had been arrested? 15:51:39

17 MS. DAITZ: Objection. You can 15:51:41  
18 answer. 15:51:43

19 A. Those are not my words, sir. I 15:51:43  
20 didn't say they had no connection. I said 15:51:46  
21 this was for a much more urgent purpose. 15:51:48  
22 It might also have served that use, hello, 15:51:51  
23 this is the event that happened this 15:51:55  
24 morning. 15:51:57

25 On top of that, there was a much 15:51:58

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1 more urgent need. He wanted a prosecutor 15:52:00  
2 assigned, that was the main purpose of the 15:52:04  
3 call. 15:52:06

4 Q. Did he tell you that it appeared 15:52:06  
5 that a homicide was involved? 15:52:08

6 A. No, he didn't tell me that. He 15:52:09  
7 told me that the victim was in very grave 15:52:12  
8 condition. 15:52:18

9 Q. The question I think I forgot to 15:52:19  
10 ask you earlier when you spoke of one 15:52:21  
11 person who had knowledge about the 15:52:23  
12 investigation from Ryan, who was that? 15:52:26

13 A. Lisa Friel. 15:52:30

14 Q. Did you know what she had 15:52:31  
15 learned from Ryan and how she knew about 15:52:36  
16 it? 15:52:38

17 A. I knew some of the things she 15:52:39  
18 learned from Ryan. 15:52:42

19 Q. What did you learn from Friel? 15:52:43

20 A. I knew from Friel the point at 15:52:45  
21 which Ryan no longer wanted Mooney 15:52:55  
22 involved in the investigation. 15:52:59

23 I knew from Friel that she, that 15:53:00  
24 on a day, I came to know from Friel that 15:53:03  
25 on a date that Ryan arranged with Mooney 15:53:08

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## OPINION

# The Racially Charged Meaning Behind The Word 'Thug'

April 30, 2015 · 5:25 PM ET

Heard on All Things Considered

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NPR's Melissa Block speaks to John McWhorter, associate professor of English and comparative literature at Columbia University, about the use of the word "thug" to describe Baltimore rioters.

MELISSA BLOCK, HOST:

A certain five-letter word has been used repeatedly over the last few days.

(SOUNDBITE OF ARCHIVED RECORDING)

MAYOR STEPHANIE RAWLINGS-BLAKE: ...The thugs who only want to incite violence...

(SOUNDBITE OF ARCHIVED RECORDING)

GOVERNOR LARRY HOGAN: ...Our city of Baltimore to be taken over by thugs...

(SOUNDBITE OF ARCHIVED RECORDING)

PRESIDENT BARACK OBAMA: ...And thugs who tore up the place.



BLOCK: Thugs, the word chosen by President Obama, Maryland's governor, Baltimore's mayor and others to describe those who looted and burned stores in Baltimore and in some cases that were later retracted with an apology. So why is thug so charged? John McWhorter has been thinking about this. He teaches linguistics at Columbia University and often writes about language and race. Welcome back to the program.

JOHN MCWHORTER: Thank you, Melissa.

BLOCK: John, I've been looking at the Merriam-Webster definition of thug, and it describes it as a brutal ruffian or assassin. What's the origin of this word?

MCWHORTER: Well, the word originates in India as a word for roughly that. And because the British ran India for a good long time, the word jumped the rails from Indian languages to English, and that's the reason that we in America have used the word for a very long time. And until rather recently, it did mean what you might call a ruffian, but of course, things have changed.

BLOCK: Well, how have they changed?

MCWHORTER: Well, the truth is that thug today is a nominally polite way of using the N-word. Many people suspect it, and they are correct. When somebody talks about thugs ruining a place, it is almost impossible today that they are referring to somebody with blond hair. It is a sly way of saying there go those black people ruining things again. And so anybody who wonders whether thug is becoming the new N-word doesn't need to. It's most certainly is.

BLOCK: Although, if you think about it, I mean, in two of the pieces of tape that we played, we heard from an African-American mayor of Baltimore and an African-American president of the United States using that word.

MCWHORTER: Yep, and that is because just like the N-word, we have another one of these strangely bifurcated words. Thug in the black community, for about the past 25 to 30 years, has also meant ruffian, but there is a tinge of affection. A thug in black people's speech is somebody who is a ruffian but in being a ruffian is displaying a

healthy sort of countercultural initiative, displaying a kind of resilience in the face of racism etc. Of course nobody puts it that way, but that's the feeling. And so when black people say it, they don't mean what white people mean, and that's why I think Stephanie Rawlings-Blake and Barack Obama saying it means something different from the white housewife wherever who says it.

BLOCK: You're saying that African-American, in this case, politicians, who use the word thug should be given a pass because they understand it in a different way? I mean, the mayor certainly walked back her use of the word. She didn't want to be associated with it. She said, you know, I spoke out of frustration. They're really misguided young people.

MCWHORTER: No because I think that if an African-American woman uses the word thug today, we're not always conscious of all of these overtones in the words that we use. But I think that when she said that, she didn't mean it the same way as her white equivalent would. The word means two things, just like the N-word. And I think all of us are sophisticated enough to wrap our heads around that.

BLOCK: When do you see a turning point in how the word thug is used in our culture?

MCWHORTER: Well, it seems to have made a major change with the rise in popularity and cultural influence of rap music and the iconography connected with that. I would say that the word thug in the black community had a very different meaning by 1990 than it had had in 1980. But that thug image has never been a purely negative model. It's always been part ruffian and part hero.

BLOCK: I'm thinking of Tupac Shakur who had thug life tattooed across his stomach, I think.

MCWHORTER: Exactly, and Tupac Shakur is thought of as a god by many people. If he was a thug, then clearly if a black person says thugs were messing up the neighborhood, then they mean something other than reprehensible, shall we say, N-word. We have different races in this country, and different races have different ways of using language. Thug ends up straddling different subcultures.

BLOCK: The word thug also - I can think of a number of other applications. I mean, folks on the far right might talk about jackbooted government thugs coming to take over our communities

MCWHORTER: That was the original meaning. It changed though. One of the things that Americans have a whole lot of trouble with - actually, that people in developed societies with written languages have trouble with - is that words never keep their meanings over time. A word is a thing on the move. A word is a process. And that's what's so confusing about the N-word. And that's what's so confusing now about this word, thug. Any discussion where we pretend that it only means one thing is just going to lead to dissension and confusion.

BLOCK: There are a lot of people now, John, who are saying, you know, why - and probably listening to this conversation saying, why are you talking about the meaning of this word, thug? That is really the wrong question to be asking and the wrong thing to be focusing on right now.

MCWHORTER: (Laughter). Well, to tell you the truth, my interest in all of these events is what made these whatever-you-want-to-call-them rise up the way they did. And as far as I'm concerned, I feel that although the rioters were not articulate - they were not performing anything that I would call an exactly coherent action, the fact that this has happened is symptomatic of severe problems in Baltimore and similar cities. And the problem is the relationship between the police and young black men. Now, is it justified to tear up your own neighborhood to protest against it? I would say not. But the fact that it's happened is something that I think we can use as a possible turning point because I really believe that if a generation of young black men grew up in this country without thinking of the cops as the enemy, then America would really start turning a corner on race.

But nevertheless, thug is an interesting word, and to the extent that we need to be able to hear it as more than some antique, static, dictionary definition, then I think that that's part of the process of healing as well. Black people saying thug is not like white people saying thug.

BLOCK: John McWhorter, thanks for talking to us.



MCWHORTER: Thank you.

BLOCK: John McWhorter teaches linguistics, American studies and music at Columbia University. His latest book is "The Language Hoax."

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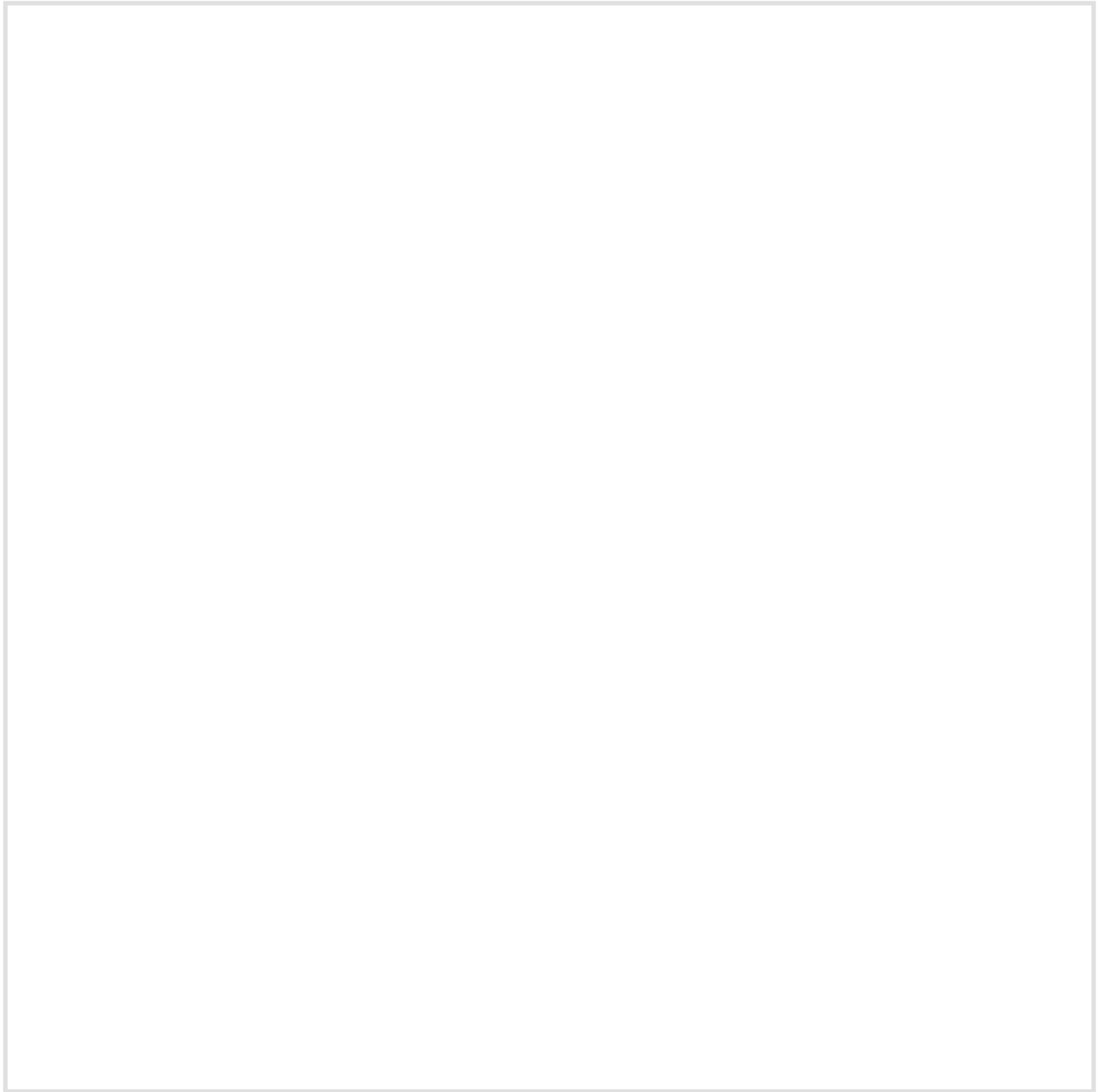
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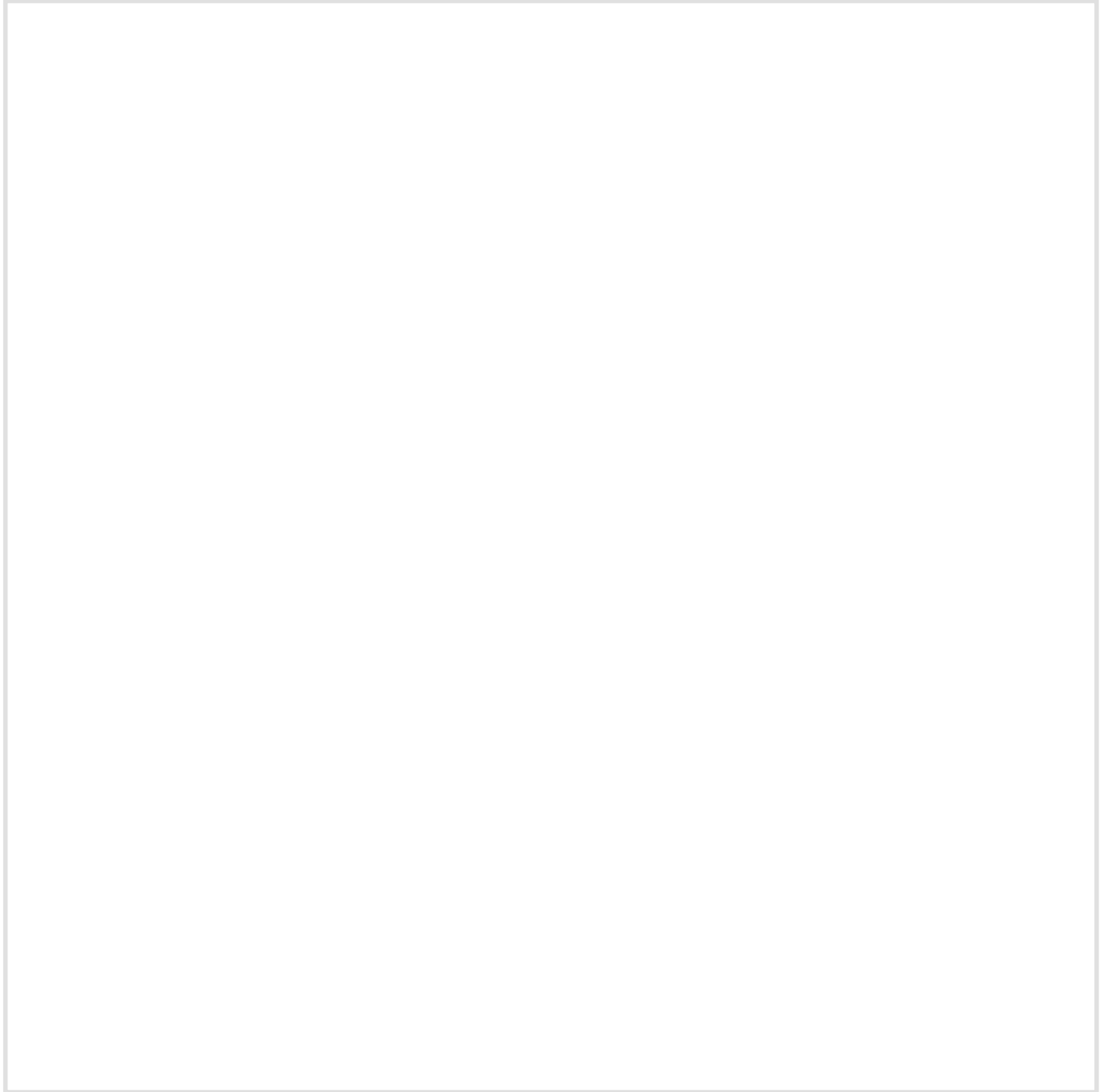
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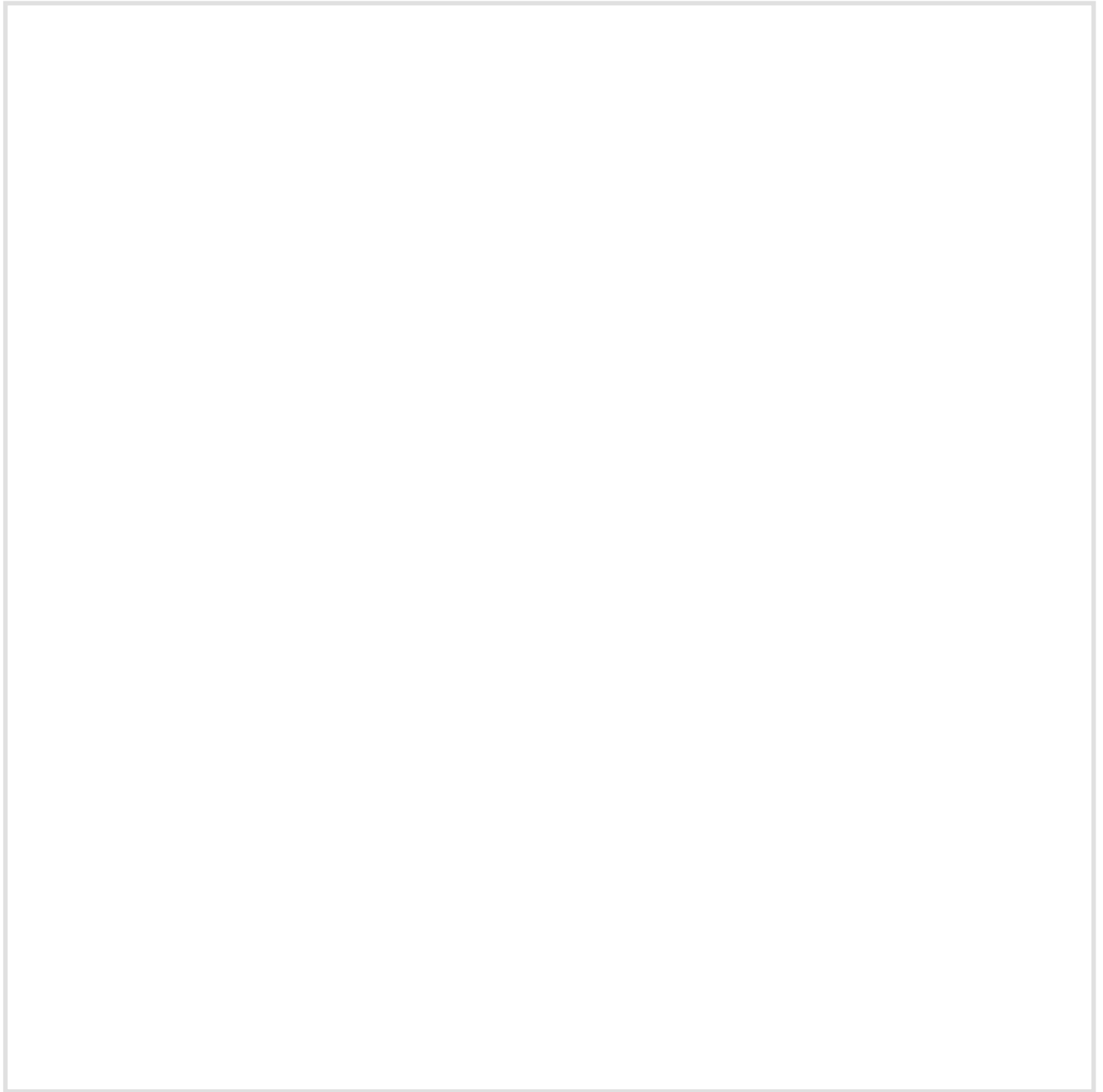
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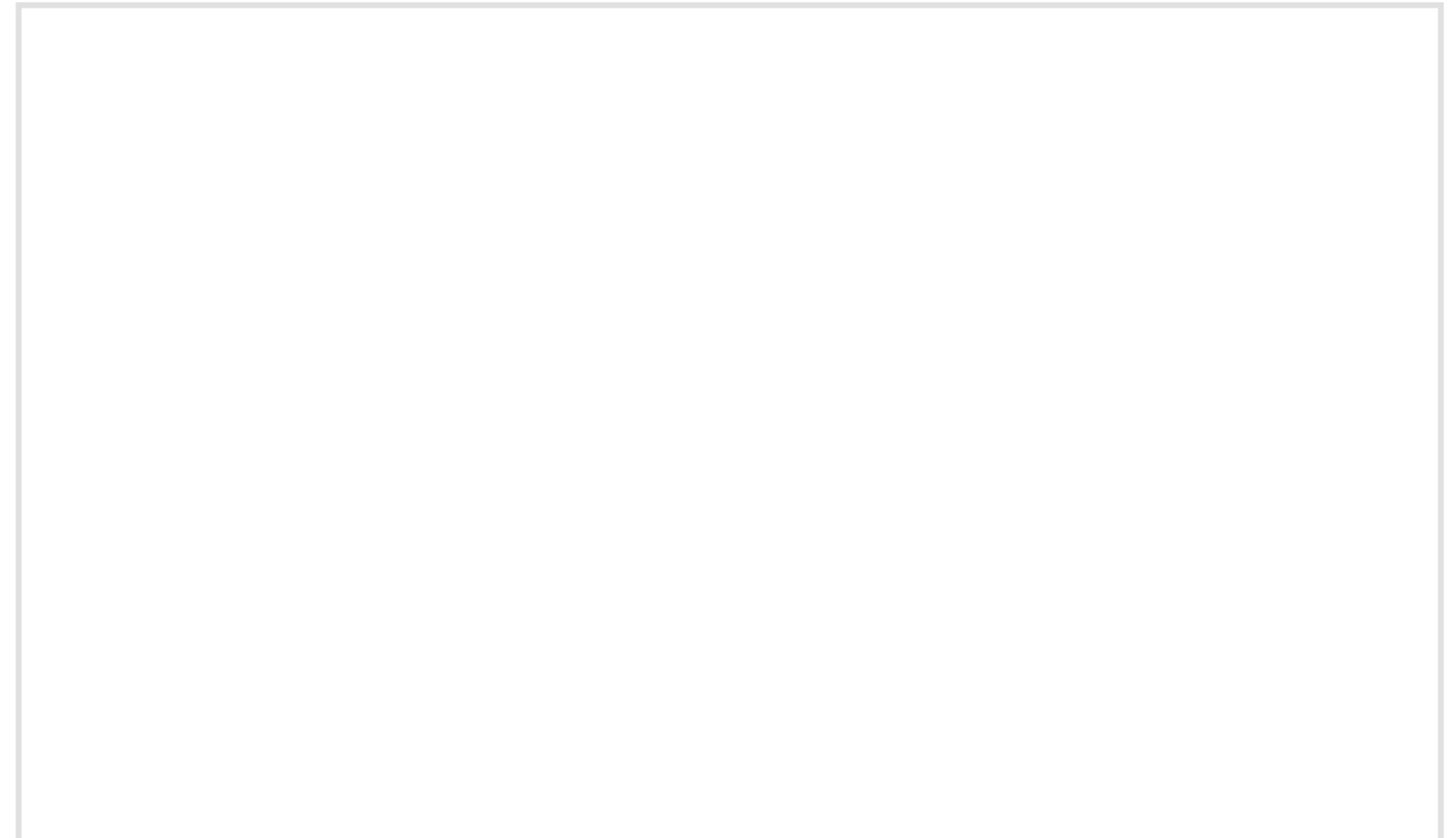
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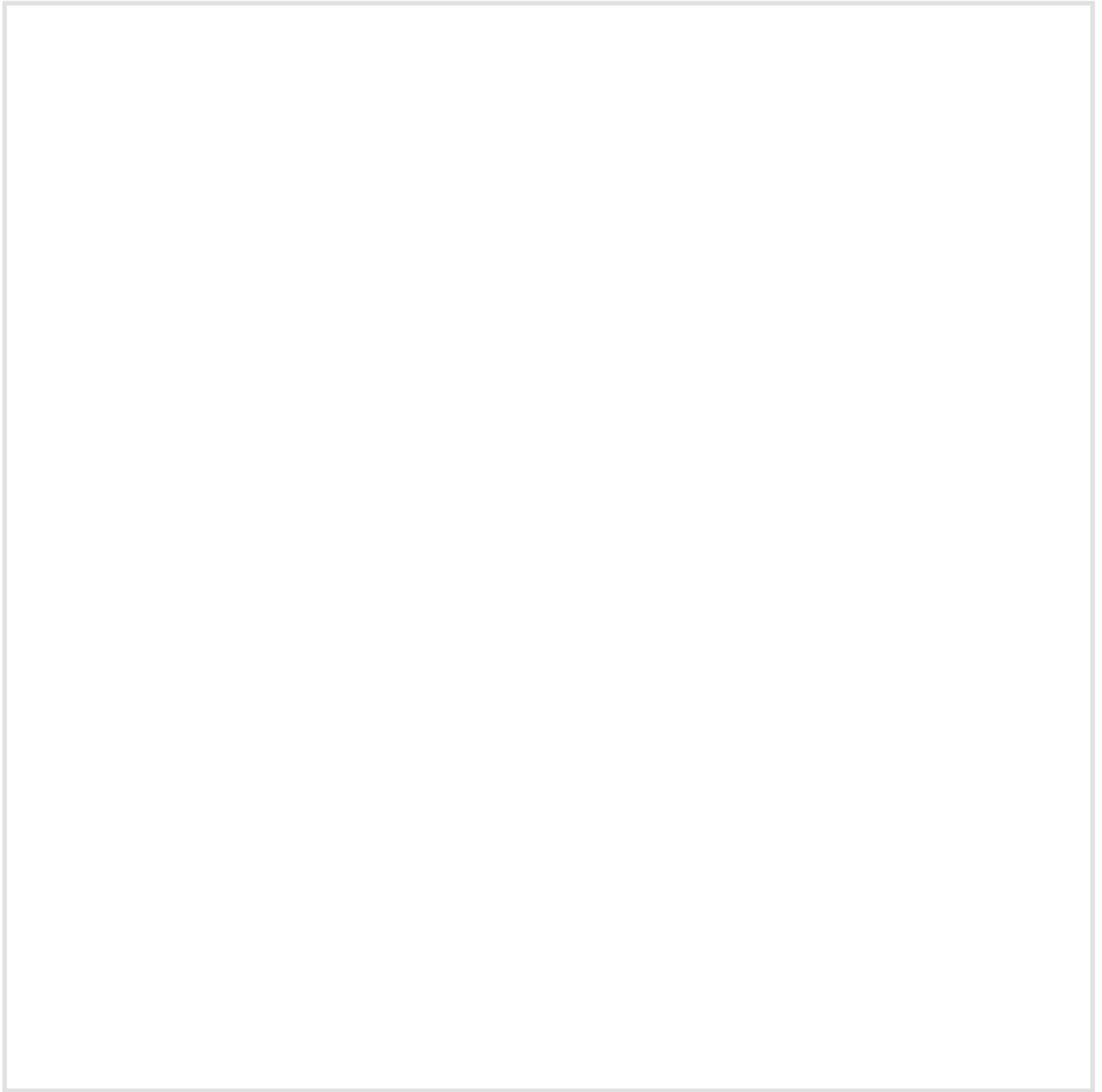
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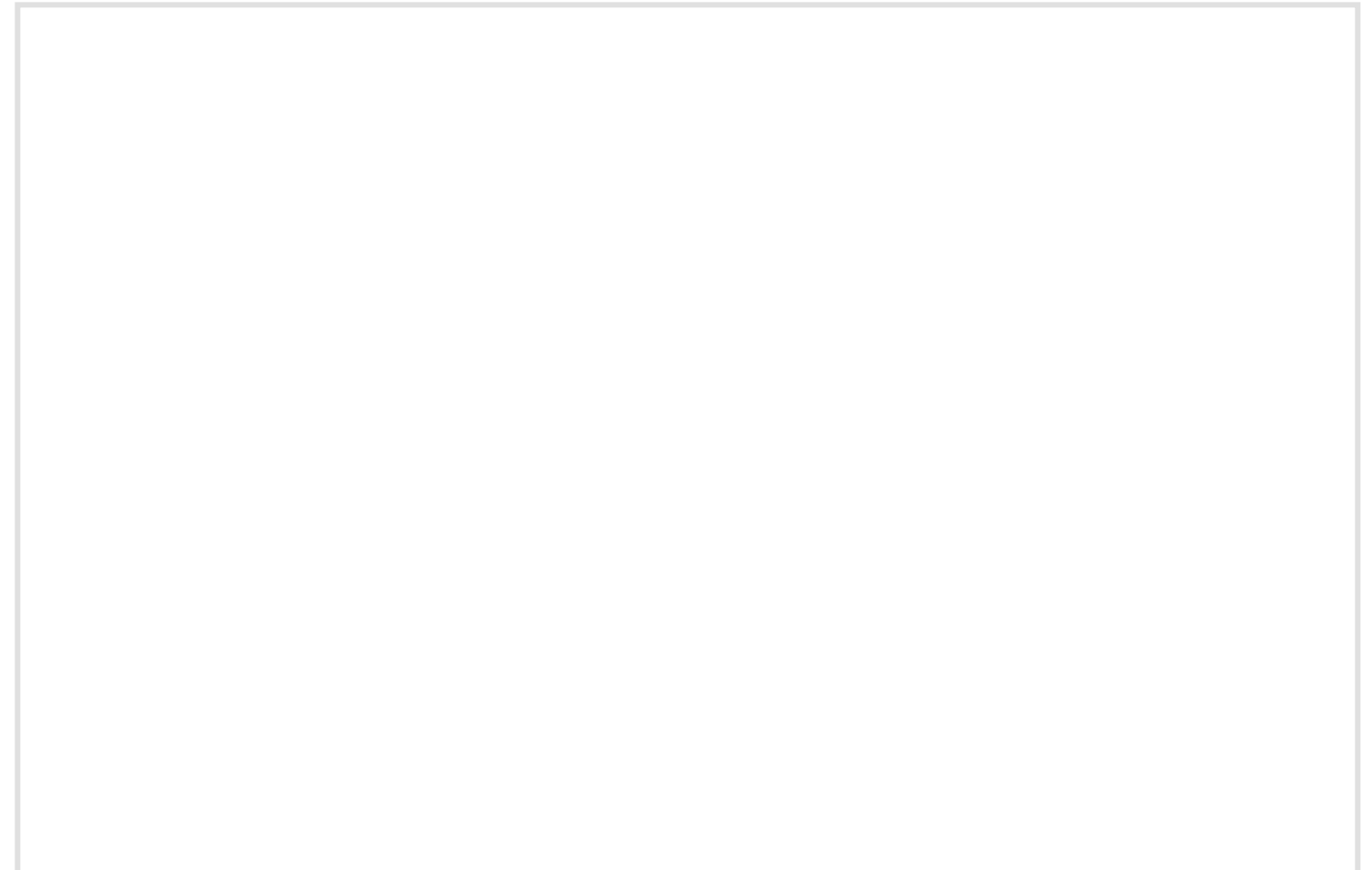
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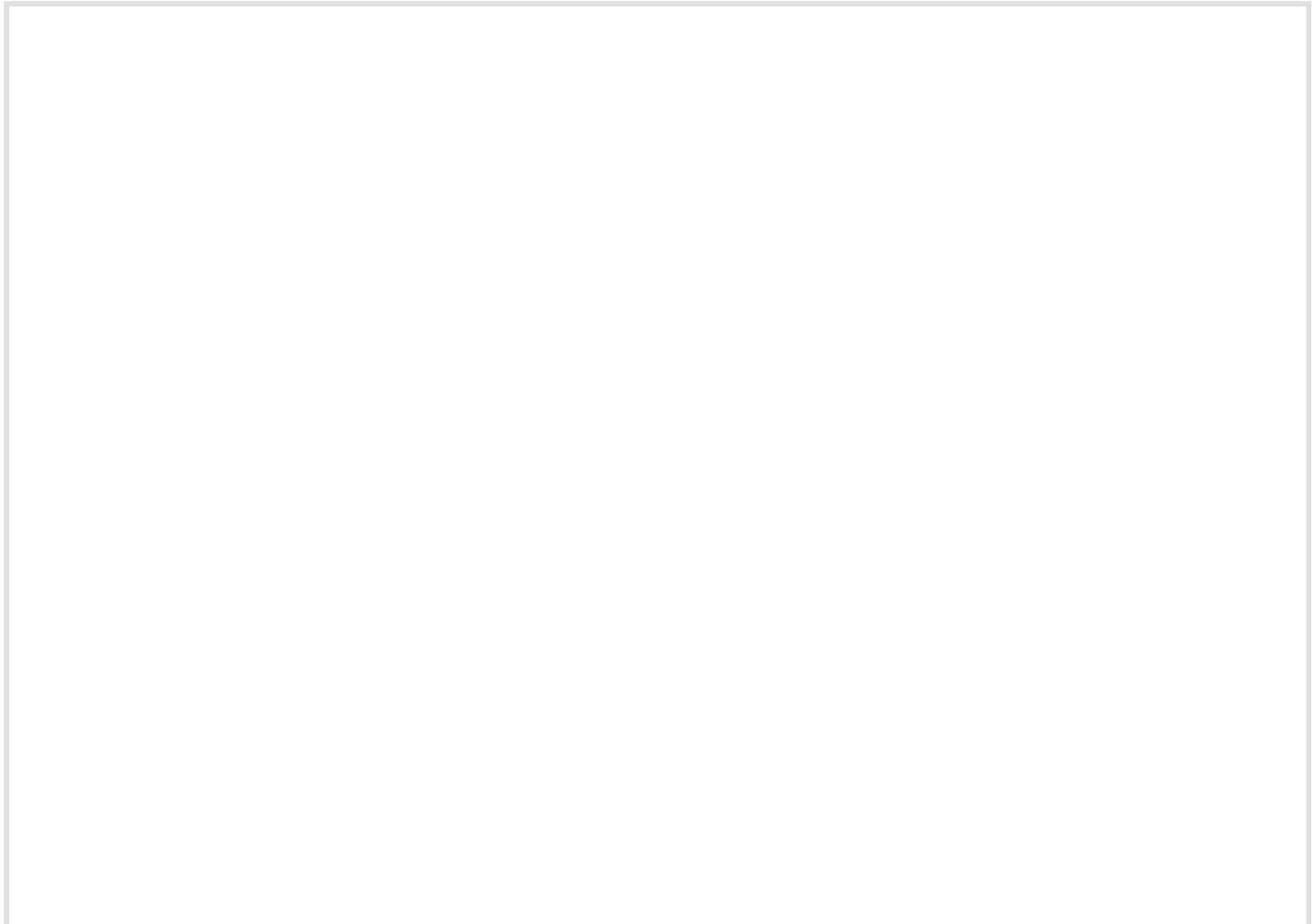


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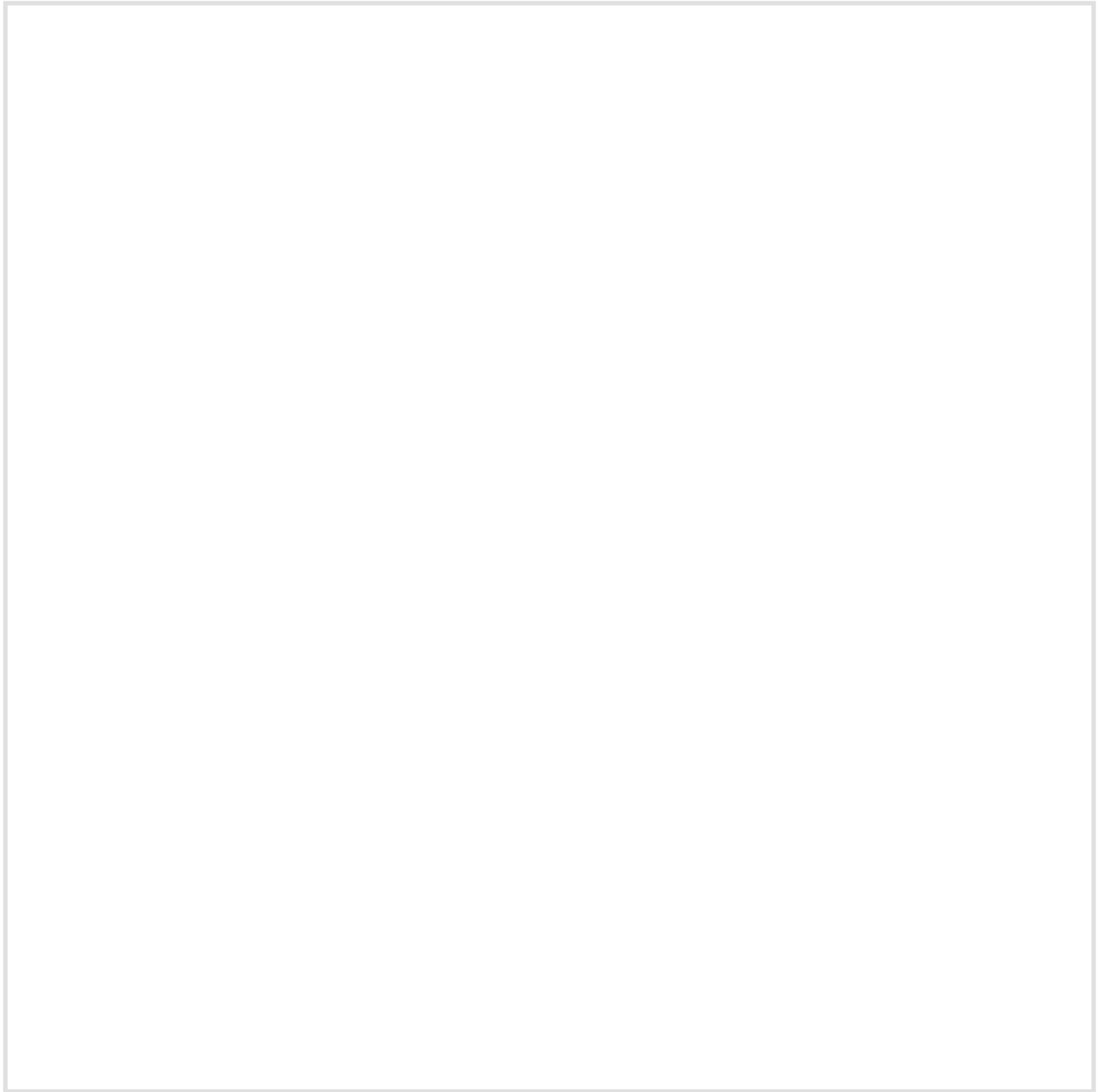




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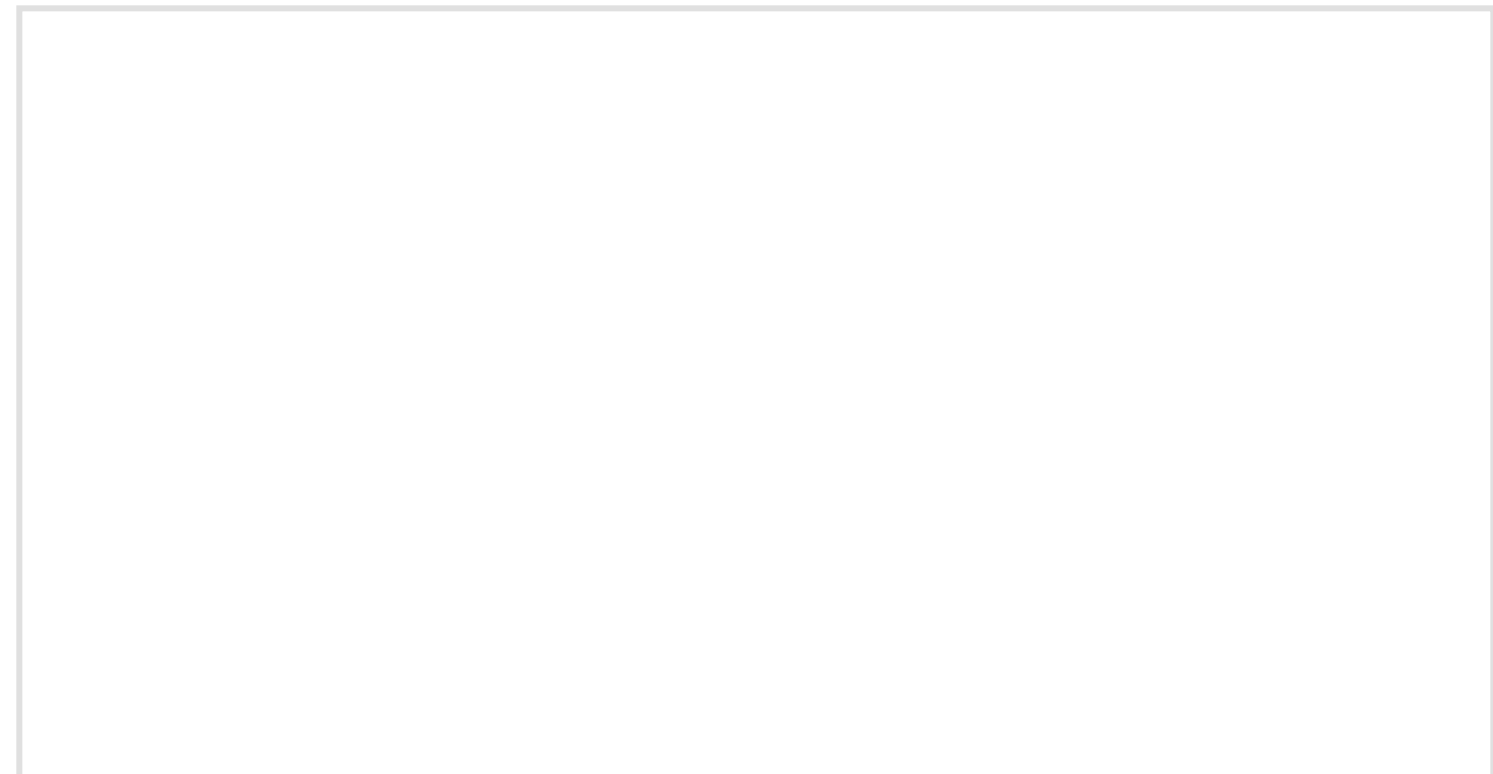
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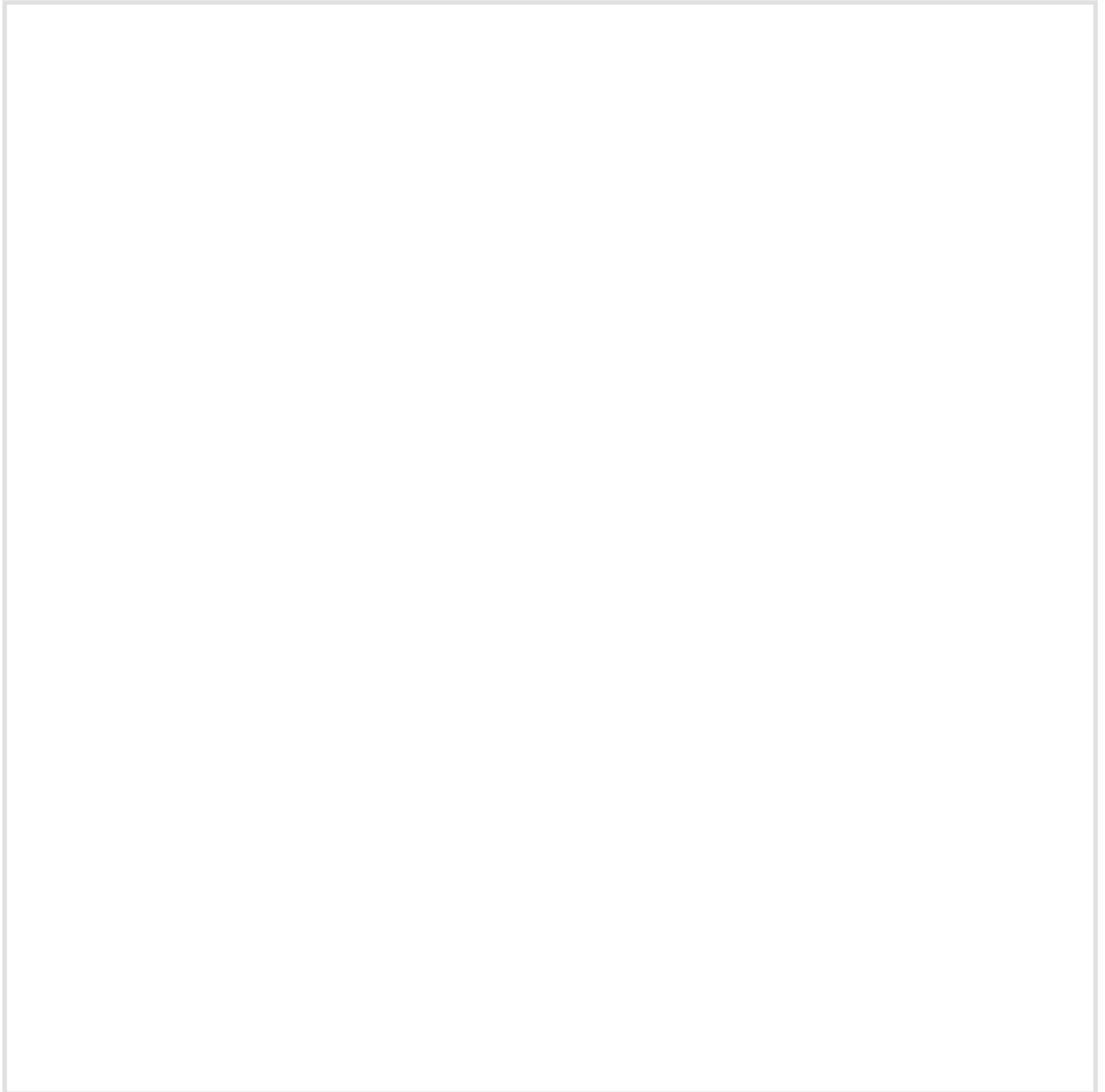
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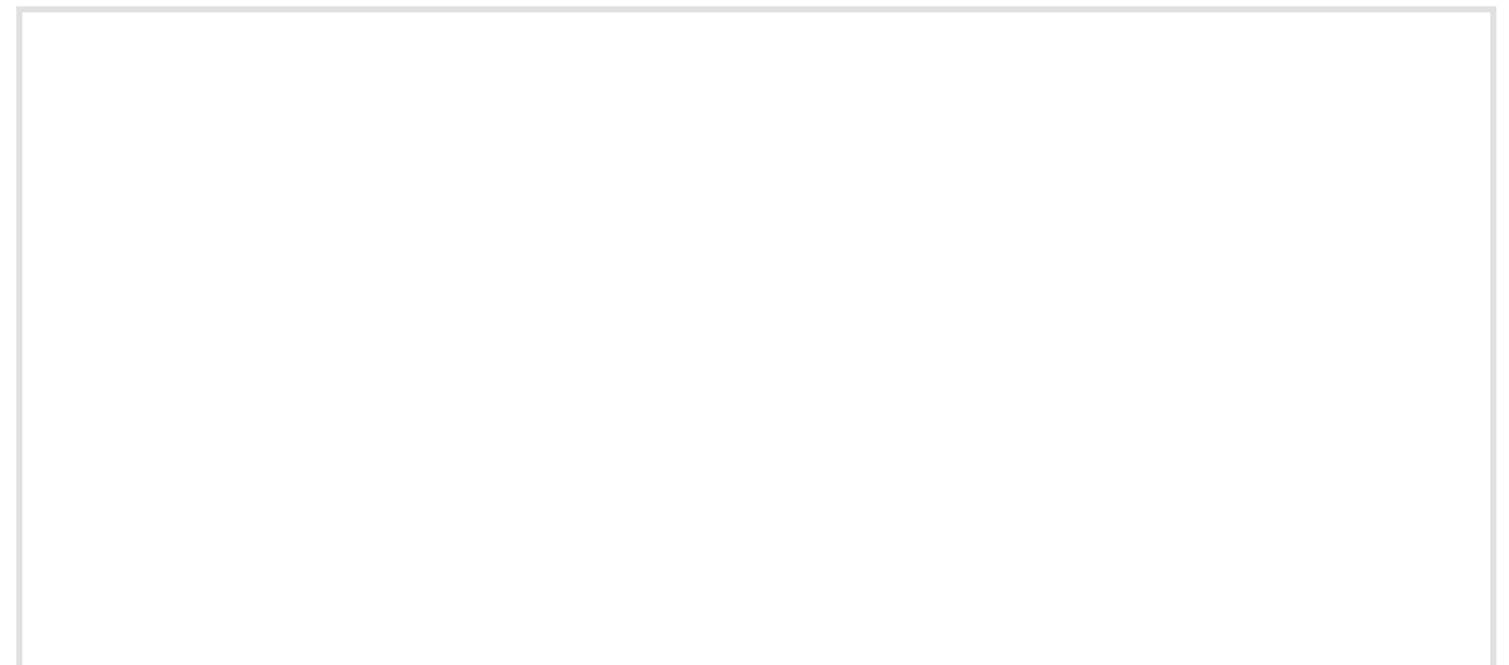
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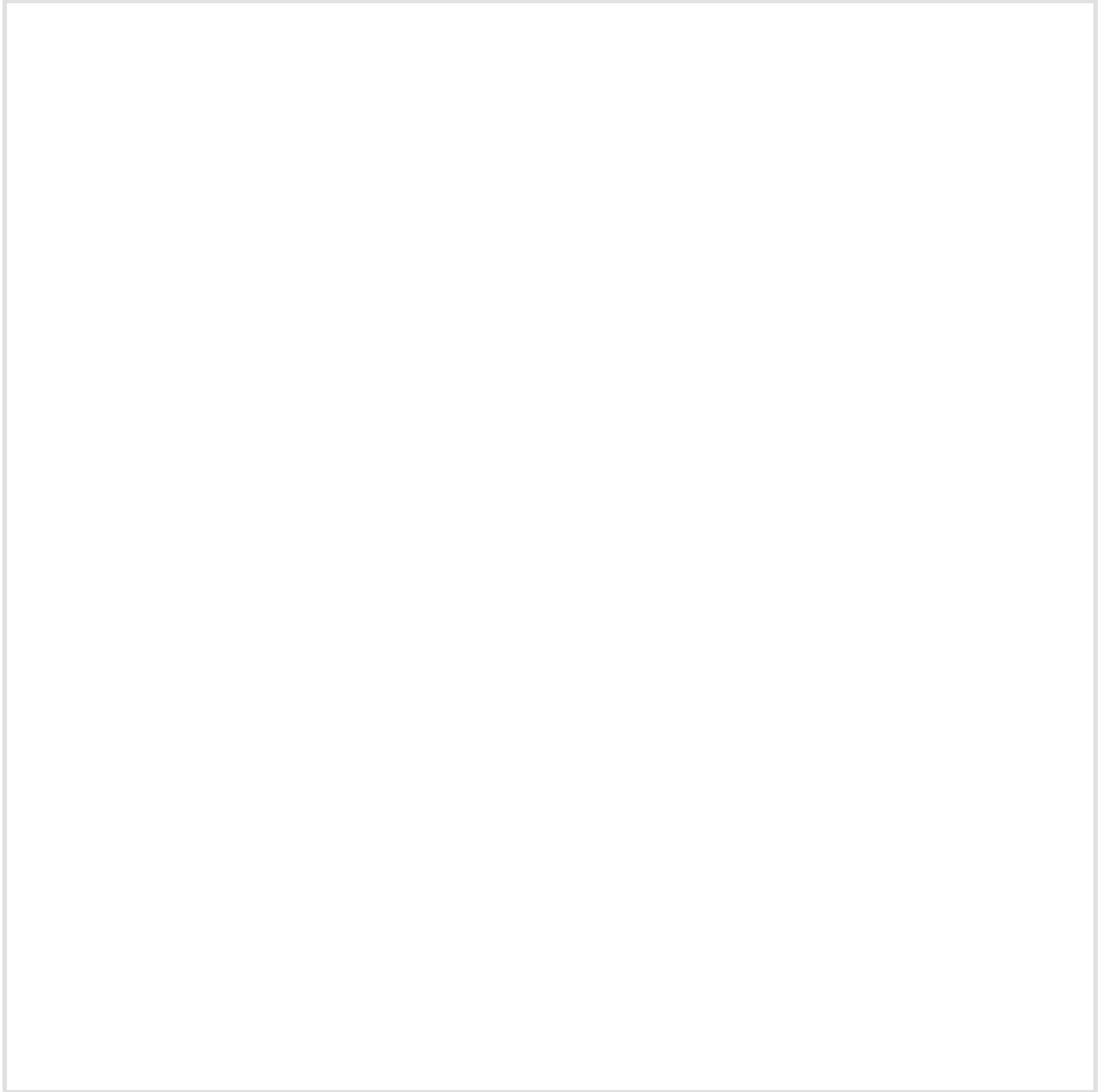
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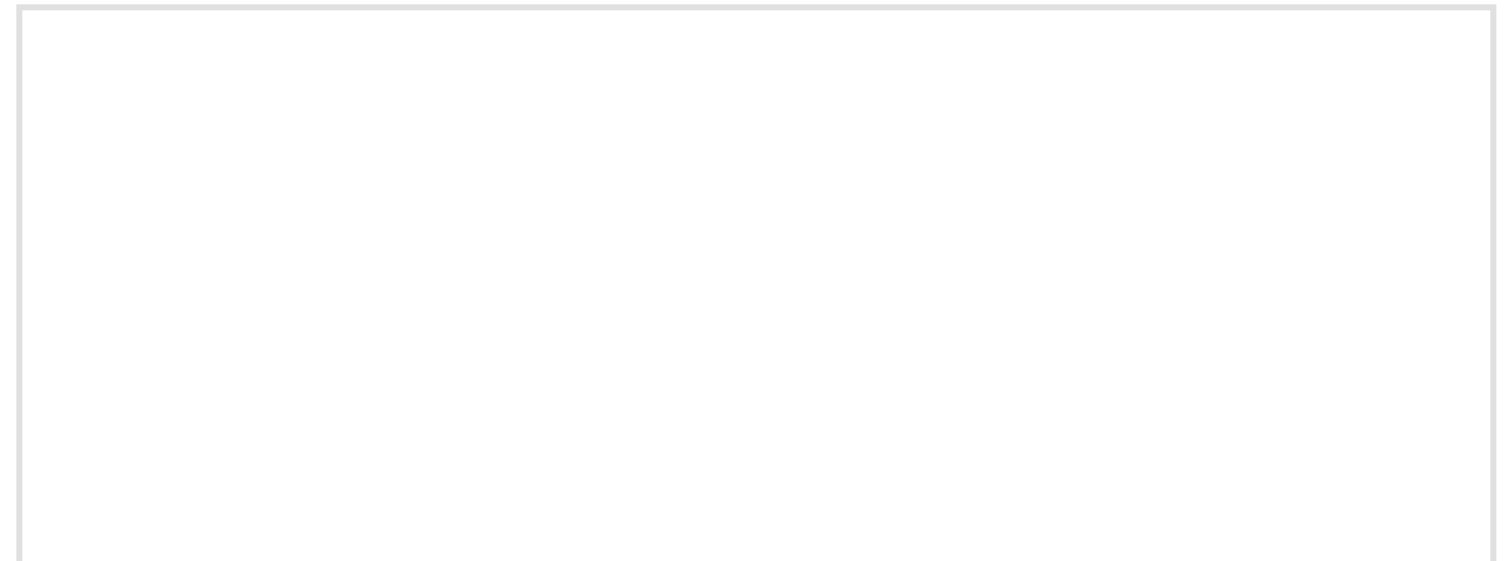
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T2-fr

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 or out of the park?

3 A He said it was inside the park.

4 Q Did he tell you what time it was that he  
5 had seen them?

6 A That I don't recall.

7 Q Did he say anything about the gender or the  
8 sex of the people he had seen?

9 A Yes, he said they were male blacks and  
10 Hispanics.

11 Q Did you have a conversation -- withdrawn.

12 How long did you stay at the playground at  
13 100 Street?

14 A Not long, just long enough to -- for the  
15 show-up and to get a description from Police Officer  
16 Alvarez and then we resumed canvassing.

17 Q Where did you go when you left that  
18 location?

19 A Again we stayed in the north end and we  
20 went through all the trails and the inaccessible  
21 parts of the park.

22 Q How long did you drive around in the park?

23 A About another half-hour.

24 Q Did you hear another radio communication  
25 after you had been at the playground where Sergeant

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Lyle was?

A Yes.

Q What was the communication that you heard then?

A That there was a male jogger found beaten and bleeding profusely from his head.

Q Where was that -- was there a location with respect to where that jogger was found?

A Yes. That was 96th Street, I believe, approximately, and the West Drive off the reservoir.

Q Where were you when you got that communication, if you recall?

A I believe we were at the East Drive again and 102nd Street.

Q Did the communication given with respect to that jogger contain any information about any people?

A He stated there was a group of male Hispanics and Blacks who had assaulted the jogger.

Q Was there any further information about the assault?

A Yes, that they had fled north.

Q What, if anything, did you do after you heard that information?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A At that point I decided to leave the park and to start the canvas outside at Central Park West at 100 Street.

Q Where did you leave the park?

A We left at 100th Street and Central Park West.

Q Why did you leave the park at that time?

A Because I felt that the group was no longer in the park. We had canvassed for quite a while and the entire park was saturated with police vehicles.

Q Did you see other vehicles in the park other than those you refer to at the East Drive and 102nd Street?

A Other than what I described earlier?

Q During the time you were canvassing the park, other than what you already told us at the East Drive and 102nd Street, did you see any other police vehicles in the park?

A Just what I mentioned.

Q And when you were canvassing the north end of the park, did you see any sign of other police vehicles?

A Yes.

Q What did you see?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A As I was going through the fields, I could see further north of me the headlights of the other vehicles going back and forth also in search for the group.

MS. LEDERER: With the permission of the Court, I'd ask the witness to please step down and approach People's 7 in evidence.

(Witness complies)

Q Would you please point on People's 7 in evidence and describe as you do, what area you're possibly pointing to, indicate where you were traveling and where you would see the other lights from other vehicles?

A We saw the other lights --

THE COURT: Excuse me, Officer, I have to remind you to speak as loud as you can because everybody over on this side has to hear you, and it is very difficult in this courtroom.

THE WITNESS: Okay.

I saw headlights from the other police cars going east and west across the ballfields here on the north end. I was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 south of them and I could see them -- I  
3 could see that the ballfields in this area  
4 was pretty well saturated with police cars  
5 and there was probably no group in there  
6 because somebody would have seen --

7 MR. MADDOX: Also describe the area  
8 that he just referred to on the map.

9 THE COURT: Yes, if there is some  
10 legend on that map that describes the area  
11 that you're in, please tell us what it is.  
12 I see there is some writing on that map.  
13 If you could tell us what it was, the area  
14 that you say you were driving in.

15 THE WITNESS: This is the north  
16 meadow, and it contains several baseball,  
17 softball, and a football field and we  
18 again, like I said, I had seen several  
19 radio cars going back and forth and they  
20 pretty well had the whole area covered. If  
21 there was any group in there --

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 THE COURT: Yes, don't speculate, just  
25 tell us what you saw.

10/13/89

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 THE WITNESS: I saw the police cars  
3 going back and forth and they had the area  
4 well covered.

5 Q Where did you go --

6 MR. BURNS: I'm sorry. For the  
7 record, the record should reflect the area  
8 of the North Meadow.

9 THE COURT: He covered the whole area  
10 of the North Meadow.

11 Q When you stated earlier that you decided at  
12 this time to leave the park, will you point out the  
13 route you took to enter the park?

14 A We left here at 100 Street, going west  
15 towards Central Park West.

16 Q What time was it, approximately, when you  
17 were leaving Central Park?

18 A It was approximately 10:30.

19 Q What, if anything, did you see as you left  
20 Central Park at 100 Street?

21 A Okay. When we got to Central Park West at  
22 100th Street, just north of us, between 101st Street  
23 and 102nd, on the west side of the street, we saw a  
24 group of about 10, 15, male blacks and hispanics.  
25 They were teenagers.

10/13/89

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q What, if anything, did you do when you saw  
3 that group?

4 A What we -- what I did was we started to  
5 drive northbound towards them to get a better look  
6 at the group.

7 Q What side of the street were they on?

8 A They were on the west side of the street.

9 Q And when you were driving, what side of the  
10 street were you driving on?

11 A I was on the east side going northbound.

12 Q What, if anything, happened as you went  
13 northbound on Central Park West approaching that  
14 group?

15 A Well, we saw the group. They were all --  
16 you know, walking together. We felt reasonably sure  
17 that they didn't --

18 THE COURT: It's not what you felt.

19 THE WITNESS: I felt reasonably sure  
20 they didn't know who we were.

21 MR. RIVERA: Objection.

22 MR. BURNS: Objection.

23 MR. MOORE: Objection.

24 MR. JOSEPH: Objection.

25 MR. MADDOX: Objection.

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MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: I'll allow that. Go ahead.

THE WITNESS: At one point the group had stopped --

MR. RIVERA: I didn't hear the statement he didn't feel reasonably what?

THE COURT: Did not make out who they were.

Q Continue.

A The group at one point stopped and they all started to look our way and started to point at us in the van, and I couldn't understand why because nobody wouldn't really --

MR. MOORE: Objection.

THE COURT: Finish your answer.

THE WITNESS: Nobody generally makes who we were.

MR. MOORE: Objection.

THE COURT: Objection sustained.

Don't tell us what people generally do. Just tell us what happened here.

THE WITNESS: What I did was I looked

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to our right and a marked police three-wheel scooter was on our right hand side and that's what panicked them.

MR. MOORE: Objection.

MR. MADDOX: Objection.

THE COURT: Sustained. Just tell us what you saw.

Q When you looked and saw in your sideview mirror a scooter, where was this scooter?

A Right alongside the van on my side. It was on the other side of us, from the group.

Q Who was on that scooter?

A Police Officer Flores.

Q What did you do when you became aware that Police Officer Flores was pulling up besides you?

A Well, I felt -- it looked like the group was going to run to me.

MR. MOORE: Objection.

MR. JOSEPH: Objection.

THE COURT: I'll allow it, go ahead. Finish.

THE WITNESS: And I told my partner to take the van and pull it up ahead of them to cut them off so we can stop them.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And did the van pull up?

3 A Yes.

4 Q Where did the van go?

5 A Okay. My partner pulled up the van to  
6 102nd Street and CPW, Central Park West on the  
7 southwest corner.

8 Q When you say the van was pulled up on the  
9 southwest corner of 102nd and Central Park West, can  
10 you describe exactly what position it was in in  
11 relation to the sidewalk and the street of 102nd  
12 Street?

13 A Okay. The van was facing west with the  
14 headlights facing west towards the building. Then  
15 my partner and myself got out of the van, we  
16 identified ourselves. AT that point the group  
17 started to run except for two. Those two were  
18 Raymond Santana and Steve Lopez.

19 MR. MOORE: Not responsive to the  
20 question.

21 THE COURT: I'll allow it.

22 Q When you say you got out of the van -- let  
23 me just go back for a second. The van that you were  
24 describing, what color is the van?

25 A Green.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Are there any windows in the back portion  
3 of the van?

4 A In the back two doors -- I'm sorry, there  
5 are no windows in it.

6 Q Are there any side panels?

7 A I don't believe so.

8 Q Does it have any insignia?

9 A Yes, Parks Department emblem on the front.

10 Q When the van pulled into the beginning of  
11 102nd Street and Central Park West, you say you both  
12 jumped out. What exactly did you say?

13 A We identified ourselves as police and we  
14 told them not to run.

15 Q What happened when you said, "Don't run?"

16 A The group started to run.

17 Q And what did you do when the group started  
18 to run?

19 A We got out of the van and we approached the  
20 two defendants that had stayed on the corner.

21 Q And you just named the names of those two  
22 people. Did you at the time that you stopped them  
23 know their names?

24 A Not at that time, no.

25 Q What, if anything, happened when you

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 stopped those two?

3 A We placed them against the wall.

4 MR. MADDOX: Objection, Judge. He  
5 didn't stop them. They were already  
6 stopped.

7 THE COURT: Yes. Objection sustained.

8 Q What happened when you approached those  
9 two?

10 A We placed them against the wall and  
11 searched them.

12 Q Did you have your gun drawn when you got  
13 out of the van?

14 A No.

15 Q When you say you placed them against the  
16 wall, what exactly did you do?

17 A We gave them a pat down of their clothes in  
18 case they had weapons on them.

19 Q Did you find any weapons?

20 A No.

21 Q What was the next thing that happened?

22 A My partner, Police Officer Powers and  
23 Police Officer Flores chased the group.

24 Q Did the two people that you placed against  
25 the wall, Raymond Santana and Steve Lopez, did

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 either of them say anything to you?

3 A Yes.

4 Q What, if anything, did they say to you?

5 A Let's see. Raymond Santana stated he had  
6 just come from his girlfriend's house and didn't  
7 state where or when.

8 MR. JOSEPH: Objection.

9 THE COURT: Don't tell us what he  
10 didn't said. Just tell us what he did say.

11 THE WITNESS: Steven Lopez stated he  
12 just came from the movies with his  
13 girlfriend and they watched the movie  
14 "Leviathan".

15 Q Did either of them say anything about the  
16 rest of the group?

17 A They stated they weren't with the group and  
18 Steven Lopez stated, I quote, "The group had talked  
19 shit about ripping them off."

20 MR. MADDOX: I can't hear.

21 THE COURT: Who said that?

22 THE WITNESS: Steven Lopez.

23 THE COURT: Stated what?

24 THE WITNESS: They were not with the  
25 group and the group had talked -- I quote,

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 "Talked shit about ripping them off."

3 Q When I asked you a moment ago did either of  
4 those two people say anything with respect to the  
5 rest of the group I believe your answer began, "They  
6 said," could you tell us exactly what either one of  
7 them said indicating by name what that person said?

8 MR. MOORE: Objection. Asked and  
9 answered.

10 THE COURT: I'll allow it again.

11 THE WITNESS: They both stated that  
12 they weren't with the group and they didn't  
13 know any of the others that had run. They  
14 stated that they were walking ahead of them  
15 and --

16 MR. RIVERA: Objection, your Honor,  
17 not responsive.

18 THE COURT: Yes, objection sustained.

19 Q Can you tell us what Raymond Santana said  
20 to you when he was stopped at 102nd Street and  
21 Central Park West?

22 A Raymond Santana said he wasn't with the  
23 group and he had just come from his girlfriend's  
24 house.

25 Q What, if anything, did Steven Lopez say at

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER  
2 that time?

3 A He stated he also was not with the group,  
4 that he had just come from his -- he had just come  
5 from the movies with his girlfriend and they watched  
6 the picture "Leviathan" and he also stated, and I  
7 quote, "Talked shit about ripping off -- ripping  
8 them off."

9 Q Did you ask either Defendant Lopez or  
10 Defendant Santana any questions?

11 A No.

12 Q When you saw this group, could you describe  
13 how the group was in relation to the other members  
14 of the group?

15 A The two --

16 MR. BERMAN: Object as to form.

17 THE COURT: What is your question?

18 Q When you saw the group walking on Central  
19 Park West, would you describe the relation of the  
20 group with one to the other?

21 A It was a homogenized group. They were  
22 altogether and they were all walking northbound.  
23 They were male Blacks, teenaged and Hispanics.

24 Q When you saw the group on the west side of  
25 the street, approximately how much of the block was

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 taken up by the members of the group?

3 A Maybe a quarter of the block.

4 Q And where were Defendant's Lopez and  
5 Santana, if you remember, in relation to the others  
6 in the group?

7 A They were in the group because the group  
8 was altogether.

9 Q What, if anything, happened after Lopez and  
10 Santana made those statements to you?

11 A My partner, Police Officer Powers chased  
12 the rest of the group with Police Officer Flores.

13 Q Where did you see him go?

14 A I saw him running southbound on Central  
15 Park West and then west on 101st Street.

16 Q Did you see where he went when he turned  
17 onto that street?

18 A When he turned west, I lost sight of him?

19 Q Officer Reynolds -- I'm sorry --

20 A And then I saw him again running back east  
21 and the group was ahead of him and they ran into the  
22 park, and he ran into the park after them.

23 Q Approximately how much time elapsed between  
24 the time you saw him disappear from your sight going  
25 down the street until you saw the group coming back

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER  
2 with him, chasing?

3 A Just seconds.

4 Q Did you then see Officer Powers -- go into  
5 the park?

6 A Yes, I saw him run and jump over the wall  
7 into the park after the defendants.

8 MR. MADDOX: Objection to "after the  
9 defendants."

10 THE COURT: Yes, Objection sustained  
11 as to "after the defendants."

12 Q Did you see how many people were running in  
13 front of Officer Powers?

14 A It looked to be about ten.

15 Q And you said that they entered the park, do  
16 you know where it was that they entered the park?

17 A It was over the wall and at Central Park  
18 West and 101st Street, between 101st and 100.

19 Q And is that where you saw Officer Powers  
20 enter the park?

21 A Yes.

22 Q Let me just stop you for a moment. The  
23 area on Central Park West, near 101st and 102nd, to  
24 your knowledge are there any movie theaters in that  
25 area?

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 A No, there isn't.

3 Q Are there any community centers in that  
4 area?

5 A No.

6 MR. MADDOX: Judge, may I ask if he  
7 could repeat the question and answer?

8 THE COURT: Read the question and  
9 answer back, please.

10 (Reporter complies)

11 Q Are there any stores on Central Park West  
12 in that area?

13 A No. There's just a grocery store further  
14 down, but it's very small north of where they were.

15 Q After you lost sight of Officer Powers when  
16 he went into the park, what was the next thing that  
17 happened?

18 A I stood on the corner with Raymond Santana  
19 and Steven Lopez.

20 Q Did you handcuff them?

21 A No.

22 Q And where was the van?

23 A The van was right where we left it on 102nd  
24 Street and Central Park West.

25 Q Did either of them say anything further to

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 you?

3 A They just kept stating that they were not  
4 with the rest of them.

5 Q When you say they kept saying that, who  
6 kept saying that?

7 A Steve Lopez and Raymond Santana.

8 Q And did you ask them any questions?

9 A No.

10 Q Did you have your radio with you?

11 A Yes, I did.

12 Q Did you hear communications coming over the  
13 radio?

14 A Yes.

15 Q Did there come a time when someone came to  
16 where you were with Santana and Lopez?

17 A Yes.

18 Q Approximately what time was that?

19 THE WITNESS: May I look at my notes  
20 to refresh my memory?

21 THE COURT: If you have to.

22 (Witness peruses notes)

23 A It was approximately a quarter to eleven.

24 THE COURT: And what happened at about  
25 a quarter to eleven?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE WITNESS: Sergeant Wheeler and Police Officer Morales pulled over after the call over the radio for a unit to pick up the two.

Q What happened when they responded?

A They responded over and we placed them into the car.

Q Placed whom in the car?

A Steven Lopez and Raymond Santana.

Q And what did you do at that point?

A I went with Police Officer Powers into the van, and we drove back to 100 Street and Central Park West to confer with our sergeant.

Q When Raymond Santana and Steve Lopez were put in the car with the sergeant, did you see where they went?

A They went to 100 Street and Central Park West.

Q And when you arrived at 100 Street and Central Park West, were Raymond Santana and Steve Lopez there?

A Yes.

Q Were they in the car or outside of the car?

A They were in the car.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And at what corner of that intersection  
3 were you at?

4 A The northeast corner.

5 Q When you arrived at that location, who did  
6 you arrive with?

7 A Police Officer Powers.

8 Q And who was already at that location?

9 A Sergeant Lyle and Police Officer Hennigan  
10 and the other officers.

11 Q And did you see anybody in custody other  
12 than Raymond Santana and Steve Lopez?

13 A Yes.

14 Q Who did you see at that time?

15 A I saw Kevin Richardson, Lamont McCall and  
16 Clarence Thomas.

17 Q Where did you see them?

18 A In the back of the radio car.

19 Q Were all three in the same radio car?

20 A I believe so. I'm not sure.

21 Q Was there a discussion at 100 Street and  
22 Central Park West?

23 A Yes, there was.

24 Q And what was the nature of the conversation  
25 had there?

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REYNOLDS - PEOPLE - DIRECT - LEDERER

A I discussed with our sergeant -- I was told that three of the defendants had made statements.

MR. MOORE: Objection.

THE COURT: I will allow it.

A I was told three defendants had made statements placing themselves at the attack of Mr. Loughlin at 96th Street.

Q Who told you that?

A I was told that by Police Officer Powers and Sergeant Lyle.

Q And at that time was there a discussion at 100 Street and Central Park West?

A Yes.

Q Was there a discussion about doing a show-up?

A Yes.

Q And was a show-up conducted with John Loughlin at that time?

A No.

Q How long did you stay at 100 Street and Central Park West?

A I'd say about ten minutes; ten, fifteen minutes.

Q During that time were you out of the van or

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 were you in the van?

3 A I was out of the van.

4 Q And at any time while you were at that  
5 location, were you in a car with any of the people  
6 that had been taken into custody?

7 A No, I wasn't.

8 Q What was the next thing that happened?

9 A We drove to the Central Park Precinct.

10 Q When you say "we drove" how did you get to  
11 the Central Park Precinct?

12 A I went in the green Parks Department  
13 vehicle.

14 Q Did anyone ride with you?

15 A Yes, Police Officer Powers.

16 Q Did you see where Raymond Santana and Steve  
17 Lopez were at the time you left 100th Street and  
18 Central Park West?

19 A They were in the radio car, I believe, with  
20 Sergeant Wheeler.

21 Q And the other three people you mentioned,  
22 where were they?

23 A I believe they were with another set of  
24 officers. I don't recall specifically who it was.

25 Q Were any of those five people taken out of

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 the car at 100 Street and Central Park West?

3 A I don't believe so, no.

4 Q How long did it take you to get from 100th  
5 Street and Central Park West to the Central Park  
6 Precinct?

7 A I'd say about five minutes.

8 Q And what did you see -- withdrawn.

9 What time was it that you arrived at the  
10 Central Park Precinct?

11 A It was approximately 12:00.

12 Q I'm sorry.

13 A Approximately 12 midnight.

14 Q Are you sure it was midnight when you  
15 arrived?

16 (Whereupon all Defense Counsel made an  
17 objection to the question by the District  
18 Attorney.)

19 THE COURT: The objection is  
20 sustained.

21 Q What did you do when you arrived at the  
22 Central Park Precinct?

23 A We brought the defendants in front of the  
24 desk.

25 Q And what time did you bring the defendants

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER  
2 before the desk?

3 A I believe -- may I refresh my memory with  
4 my notes?

5 THE COURT: If you have to.

6 MR. MADDOX: When he says "defendants"  
7 could he refer to who he was talking about?  
8 Some are not defendants.

9 THE COURT: Okay.  
10 If you can, give us the names of the  
11 people you are talking about.

12 THE WITNESS: All right.

13 A That was about six minutes after eleven.

14 Q And what happened six minutes after eleven?

15 A They were brought to the station house.

16 THE COURT: They being?

17 THE WITNESS: Clarence Thomas, Lamont  
18 McCall, Kevin Richardson, Steven Lopez, and  
19 Raymond Santana.

20 Q Were they at the stationhouse when you  
21 arrived, or did they arrive when you were already  
22 there?

23 A I think we got there around the same time.  
24 I don't recall exactly who got there first. It was  
25 very close in time, though.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q And what happened in front -- what did you  
3 do when you went in front of the desk?

4 A What I did was gave their names, addresses  
5 and ages to the desk officer so he could enter it  
6 into the blotter.

7 Q Did you have a conversation with anyone  
8 when you arrived at the Central Park Precinct?

9 A Yes, I did.

10 Q Who did you have a conversation with?

11 A I had a conversation with one of the  
12 detectives; two of them.

13 Q To whom did you speak?

14 A Detective Nugent and Detective Gonzalez.

15 Q What did you say to them and what did they  
16 say to you?

17 A I stated what happened; that I arrested  
18 five youths for assaulting a jogger in the Park.  
19 And that was pretty much it. We returned them to  
20 the Youth Room.

21 Q How long were they before the desk?

22 A I'd say about ten minutes.

23 Q Was anyone with you and with them before  
24 the desk sergeant?

25 A Yes.

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Who was that?

3 A My partner was there, Police Officer  
4 Powers; Police Officer Hennigan, Sergeant Lyle and  
5 the detectives might have come out also.

6 Q After you were before the desk with those  
7 five people that you have named, where did you go?

8 A We took them, I believe, we took them to  
9 the juvenile room.

10 Q Officer Reynolds, if you would, please look  
11 at what has been received in evidence as People's 1.  
12 Do you recognize what that is?

13 A Yes.

14 Q What do you recognize that to be?

15 A It is a layout of part of the Central Park  
16 Precinct.

17 Q What part of the precinct is depicted in  
18 that diagram?

19 A One is the Community Affairs office, and  
20 the other is our muster room.

21 Q And where is the Youth Room in People's 1?

22 A Do you want me to point it out?

23 Q If you would, please.

24 MR. BERMAN: The testimony was it was  
25 the Juvenile Room.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE COURT: Yes, you referred to it as  
the Juvenile Room.

Q Excuse me. Would you show us the juvenile  
room?

A This room right here (indicating).

Q Indicating a room, the lower rectangular  
room portrayed in People's 1.

When you say you went into that room, did  
you go into that room with all of the five people  
that had been before the desk?

A Yes.

Q Before resuming the stand, could you please  
point out where everyone was inside that room once  
you went in?

A Okay. I was seated at this desk here and  
the defendants were seated at chairs in this area  
(indicating). They were all given a chair, and they  
were all seated over here (indicating).

MR. MADDOX: Can the record reflect  
that is the bottom portion of the room that  
appears on that diagram?

THE COURT: Yes, it is the bottom  
right portion.

MS. LEDERER: Thank you.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

You may resume your seat.

(Witness complies)

Q Were any of those people handcuffed in that room?

A Their handcuffs were removed in the room.

Q What did you do in that room?

A In that room I started to process the paperwork for that arrest.

Q What does that mean?

A I did the on-line booking sheets and juvenile packages.

Q What is a juvenile package?

A That's the -- that's papers that you have to fill out to go to Family Court, the depositions, supporting depositions, a referral intake report, and the appearance tickets for the youths to appear in Family Court with their parents or guardians.

Q Where was Officer Powers at that time, if you know?

A Officer Powers was making notifications to the families, to the parents of the defendants.

Q Was that happening in the room you were in?

A No, that was across the way in the main part of the precinct.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Q During this time that you were doing the paperwork in the Juvenile Room, how would you describe the testimony of defendants Kevin Richardson, Raymond Santana, and Steven Lopez?

A They really didn't seem to care.

MR. RIVERA: Objection.

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: Objection sustained.

Q Describe their appearance; how would you describe them. What were they doing, what was their appearance?

MR. BERMAN: I would object to him describing it collectively.

THE COURT: I will allow it. If they differed in any respect, tell us that. Tell us what each one looked like and what they were doing?

THE WITNESS: They were sitting around talking. Their demeanors didn't seem different. They didn't seem to care.

MR. RIVERA: Objection.

MR. DILLER: Objection.

MR. BERMAN: Objection.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE COURT: Okay. What do you mean  
"they didn't seem to care"?

THE WITNESS: They wanted to go home;  
you know, they wanted to hang out.

MR. RIVERA: Objection.

THE COURT: I will allow it.

Q Were any one of these three people crying?

A No.

Q When you say you observed people in that  
room talking to each other, did you see Kevin  
Richardson talking to anyone?

A Yes, I saw him talking to Raymond Santana.

Q Did you see Raymond Santana and Steve Lopez  
talking to each other or to other people in the  
room?

A Yes.

Q Who did you see them talking to and what do  
you remember?

A They seemed to be talking to each other.  
Everybody seemed to know each other very well.

MR. RIVERA: Objection.

MR. DILLER: Objection.

MR. BERMAN: Objection.

THE COURT: Objection sustained.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

Q Did there come a time you were aware the parents began to arrive?

MR. MOORE: Objection as to form.

THE COURT: I will allow it.

A Yes.

MS. LEDERER: Your Honor, if I may interrupt at this point to reiterate something said yesterday.

I indicated to Defense Counsel that I ask the parents of certain defendants and potential witnesses not be present in the courtroom. I just want to check.

MR. DILLER: No people from Mr. Richardson's family that will testify are in court.

MS. LEDERER: And no other witnesses that were present at the stationhouse?

MR. DILLER: That's correct.

MR. BERMAN: I suppose we should put some of it on the record, because we didn't do it the other day. I made the representation that I would have all witnesses out of the courtroom, but I asked that my client's parents remain. And I

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 offered, if they should testify at this  
3 hearing or at the trial, that the  
4 Prosecution would be free to bring out they  
5 had been present during the testimony. I  
6 forget if it was your Honor or Miss Lederer  
7 who rejected that.

8 With that in mind, I instructed my  
9 client's parents not to be here for this  
10 witness and the next witness.

11 THE COURT: And they are not here?

12 MR. BERMAN: Yes.

13 Do you recall who it was?

14 THE COURT: Ultimately I'm the one who  
15 made the ruling. The important thing is  
16 what I said.

17 MR. BERMAN: I said they would have to  
18 be excluded during the testimony of this  
19 witness.

20 MR. RIVERA: On behalf of Raymond  
21 Santana, he has no relatives here today.

22 MR. JOSEPH: The same is true on  
23 behalf of Mr. Antron McCray.

24 BY MS. LEDERER:

25 Q Did there come a time that you became aware

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER  
2 of parents or families of any of those five people  
3 beginning to arrive at the Central Park Precinct?

4 A Yes.

5 Q To the best you can recall, what was the  
6 time you first became aware of the parents arriving?

7 A I believe it was around midnight.

8 Q And who do you recall arriving at  
9 approximately midnight?

10 A That was Mrs. Richardson.

11 Q How was it that you became aware that Mrs.  
12 Richardson was there?

13 A She came into the room and opened the door  
14 and she stated who she was. And that was it.

15 Q When you say she came into the room and  
16 opened the door, could you step down for a moment  
17 and point out on People's 1 in evidence where she  
18 was?

19 A There is a door right here which she opened  
20 and let me know she was here for Kevin Richardson  
21 (indicating).

22 MR. BERMAN: For the record, he was  
23 pointing to the area on that chart where  
24 there was no door. There is a doorway but  
25 no door.

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REYNOLDS - PEOPLE - DIRECT - LEDERER

THE COURT: Yes, it does appear there's no door drawn into the diagram. Is there an actual door there?

THE WITNESS: Yes.

MR. MADDOX: Could the record reflect where exactly on the diagram he is pointing to?

THE COURT: He is pointing to the upper righthand side of that room.

Q At the time that Mrs. Richardson or the mother of Kevin Richardson arrived, was that door opened or closed?

A It was closed.

Q And at the time that she came to the door, where was Kevin Richardson when she opened the door?

A He was seated in the back of the room.

Q When you say in the back of the room, where were you referring to?

A Shall I point it out?

Q Yes.

A I believe he was seated in this area here (indicating).

MS. LEDERER: Indicating in the lower righthand corner of the Community Affairs

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T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Office building.

3 Q Did you observe or hear any conversation  
4 exchanged between Kevin Richardson and his mother at  
5 that point?

6 A No.

7 Q Was Kevin Richardson awake when she  
8 arrived?

9 A Yes.

10 Q And when his mother arrived at the door,  
11 did she speak?

12 A Yes, she stated she was, you know, his  
13 mother. I believe I got up and just asked her to  
14 have a seat. Then I finished the paperwork, and  
15 hopefully send him home that night.

16 Q Where did you ask her to have a seat?

17 A I asked her to have a seat in the clerical  
18 area.

19 Q The clerical area is where?

20 A That's on the top of the diagram  
21 (indicating).

22 Q Is that the entire room?

23 A Yes.

24 Q In the top portion of that building?

25 A Yes.

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NYCLD\_023115

P-APP002512

T3-1f

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1 REYNOLDS - PEOPLE - DIRECT - LEDERER

2 Q Did you become aware of any of the other  
3 parents arriving at that time?

4 A Yes.

5 Q Who was the next parent that you became  
6 aware of?

7 A I don't recall who came in next, but they  
8 all started to come in one at a time.

9 Q And how was it that you became aware of  
10 their arrival?

11 A Either my partner would tell me the parent  
12 was there, or they would stick their head in the  
13 door and tell me they were there, looking for their  
14 son.

15 Q During the time that the parents and the  
16 families of these five people were arriving, did  
17 there come a time where you saw Antron McCray?

18 A Yes.

19 Q Do you recall approximately when that was?

20 A I'm not sure. That was after midnight.  
21 I'm not sure of the exact time.

22 Q Did you have anything that would refresh  
23 your recollection as to the exact time?

24 A I can take a look. Again, I'm not sure.

25 (Witness peruses notes)

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NYCLD\_023116

P-APP002513



1 People - Det. Arroyo - Cross - Rivera 2964

2 of Raymond by Detective Hartigan; is that correct?

3 MS. LEDERER: Objection.

4 THE COURT: What was your question?

5 MR. RIVERA: That he was present during the  
6 entire questioning of Raymond by Detective  
7 Hartigan.

8 Q. Is that correct?

9 MS. LEDERER: Objection.

10 THE COURT: I'll let him answer if he was  
11 present --

12 Detective Hartigan was present at all times  
13 when you were present?

14 THE WITNESS: Detective Hartigan was present  
15 when I was present, yes.

16 THE COURT: At all times?

17 THE WITNESS: Except for the times that I  
18 left the room, correct.

19 Q. But from 1:40 to 4:40, you were present during the  
20 entire questioning of Raymond Santana; is that correct?

21 A. Again, except for those times that I left briefly.

22 Q. Well, when did you leave the room between 1:40 and  
23 4:40?

24 A. Well, I left the room to get coffee.

25 Q. Other than that.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2965

2 A. I might have also left the room to get myself a  
3 soda. I left the room after the signing of the written  
4 statement, and that would take us beyond 4:40 p.m.

5 Q. Okay. Raymond signed the statement at about 4:40;  
6 is that correct?

7 A. That's correct.

8 Q. That means that the interrogation of Raymond ended  
9 about 4:40, would that be correct?

10 A. That's correct.

11 Q. And did you tell Raymond that the interrogation  
12 had ended of Raymond?

13 A. No.

14 Q. You, at no time, informed him that your  
15 questioning is over; is that correct?

16 A. No.

17 Q. You just took the statement, left the room and  
18 came back several minutes later; is that correct?

19 A. That's correct.

20 Q. Now, you took that statement and brought it to  
21 your supervisors; is that correct?

22 A. That's correct.

23 Q. And who, in particular, did you bring Raymond's  
24 statement to?

25 MS. LEDERER: Objection.

Joseph T. Tierney, CSR, RPR

1 People - Det. Arroyo - Cross - Rivera 2966

2 THE COURT: Who did he what?

3 MR. RIVERA: Who did he bring Raymond's  
4 statement to.

5 THE COURT: I'll let him answer. I really  
6 don't know what it has to do with this hearing.

7 A. I brought the statement to the detective squad  
8 room, where Lieutenant Doyle from Manhattan North Homicide  
9 was present.

10 Q. Was ADA Fairstein or ADA Lederer present when you  
11 went to bring the statement to Lieutenant Doyle?

12 MS. LEDERER: Objection.

13 THE COURT: I'll let him answer that.

14 A. No, they were not.

15 Q. Did you discuss with Lieutenant Doyle the fact  
16 that Raymond's grandmother was present and had difficulty  
17 with the English language?

18 MS. LEDERER: Objection.

19 THE COURT: Sustained.

20 Q. Did you ever ask Raymond to put into his own words  
21 the statement that is People's 20 in evidence?

22 A. Yes, I asked him if he wanted to write it out.

23 Q. And what, if anything, did Raymond say?

24 A. He said no. I offered to write it out and he  
25 agreed.

Joseph T. Tierney, CSR, RPR

1 T-1 Reynolds-Ppl-direct 798  
2 dome light?  
3 A On any of the police cars?  
4 Q Yes.  
5 A Not that I recall, no.  
6 Q And while you were driving around, did you hear yet  
7 another radio communication?  
8 A Yes.  
9 Q And what was that communicate?  
10 A That was from one of the auxiliary police, he had  
11 found a male jogger that was --  
12 MR. JOSEPH: Objection, Judge.  
13 THE COURT: I'll allow it.  
14 A He had found a male jogger that was severely beaten  
15 on the, around 96th Street and the West Drive.  
16 Q Did you hear any further information with respect  
17 to the assault on that male jogger?  
18 A Yes, another police officer--  
19 MR. JOSEPH: Objection.  
20 THE COURT: Yes, just a minute. Come up for a  
21 minute.  
22 Step down for a second.  
23 (At side bar.)  
24 THE COURT: Okay.  
25 MR. JOSEPH: The basis of my objection is

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T-1 Reynolds-Ppl-direct

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it's hearsay.

THE COURT: Yeah, except all this stuff was brought out throughout the other witnesses by defense counsel.

MR. JOSEPH: It just seems that we don't, I don't know that it was brought out through defense counsel.

THE COURT: It was brought out, all of the radio run communications were brought out through defense counsel's cross-examination of other witnesses.

MR. JOSEPH: But as to this witness, I think the questions call for hearsay testimony, and I'm noting my objection, number one.

Number two, it seems to me just to be, to serve no purpose than bring to bring it out through this witness.

THE COURT: what are you asking now? He got a communication it was a male jogger beaten?

MS. LEDERER: And the description that came over the air of, that male blacks that fled northbound from that scene.

The, this information is particularly relevant in light of the opening given by Mr. Rivera who

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T-1 Reynolds-Ppl-direct

800

argued that Santana was arrested for no reason. And I think the state of mind of the officers is relevant to why that group of people were stopped.

And we had this conversation about whether the hearsay would be admissible just immediately before starting testimony in this case. The Court indicated that it would rule as it came up. We did not elicit from officer Alvarez, and it was brought out by every defense attorney throughout cross of that officer.

THE COURT: I don't know if I said I would allow hearsay to come in.

MS. LEDERER: I said you didn't rule at that time, but after we had that conversation, and even the defense had been alerted to it, they all brought out what the radio runs had been.

THE COURT: Yes.

MS. LEDERER: This officer that made the actual stop. His state of mind is key, specially since it's an issue raised by Mr. Rivera.

THE COURT: Have you people finished?

MS. LEDERER: Yes.

THE COURT: Normally I would not permit the District Attorney to bring out any of this

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1 T-1 Reynolds-Ppl-direct 801  
2 information, other than the fact they had received  
3 a radio communication, radio transmission and  
4 responded to, and where he responded to. However,  
5 all of this material that has been gone into by  
6 the defense on cross examination of earlier  
7 witnesses, so it seems to me inappropriate to at  
8 this point foreclose this witness from testifying.  
9 So, for that reason I'm going to allow it. Okay.

10 MR. JOSEPH: Judge, I know appellate courts  
11 don't generally look favorably on continuing  
12 objections, I don't know if your Honor wishes to  
13 object to each question.

14 THE COURT: I will assume, if you want that as  
15 to other radio transmissions, the District  
16 Attorney may bring out. You make a continuing  
17 objection.

18 MR. JOSEPH: Okay.

19 THE COURT: For the same reason I indicated I  
20 will rule the same way. I would have, initially  
21 had the District Attorney tried to bring that  
22 stuff out on her direct examination of any  
23 witness, absent cross-examination, the bringing  
24 out of that very same material, I would sustain  
25 the objection, but that's not the situation. So,

H. C. Davis

1 T-1 Reynolds-Ppl-direct 802  
2 I will allow it.  
3 MR. JOSEPH: Our objection is preserved as to  
4 all of this testimony to come?  
5 THE COURT: If you're going to object to each  
6 radio transmission content, yes.  
7 MR. JOSEPH: Right. Correct.  
8 MR. BURNS: I'm sorry, I make the same  
9 objection, the objection is on direct examination  
10 when it's brought out.  
11 THE COURT: Okay.  
12 MR. BURNS: In other words, she's calling a  
13 witness and the witness is testifying in the first  
14 instance on direct examination, and the District  
15 Attorney is being permitted to introduce hearsay  
16 on the basis of the fact, I object to that, and I  
17 also have a continuing objection.  
18 THE COURT: For the same reasons, I will allow  
19 it.  
20 MR. BURNS: Okay.  
21 (In the presence of the jury.)  
22 Q The radio transmission that you described receiving  
23 from the auxiliary police, would you tell us what the  
24 content of that transmission were.  
25 A That he had found a male jogger that was beaten,

H. C. Davis



1 T-1 Reynolds-Ppl-direct 803  
2 had been beaten up and was bleeding and needed an ambulance.  
3 Q Was there any information given as, concerning the  
4 person or persons who were responsible for that assault?  
5 A Yes, there was.  
6 Q And what was that information?  
7 A That they were male blacks.  
8 Q And was any information given about where those  
9 people went after they attacked the male jogger?  
10 A That they had fled west from 96th Street.  
11 Q What did you do after you heard that report?  
12 A I started to, we started to head in that direction  
13 and made our way out of the park at 100th Street and Central  
14 Park West.  
15 Q When you say you exited the park, would you please  
16 step down and approach People's 2 in evidence and show the  
17 members of the jury the route that you took and where you  
18 exited the park.  
19 A We went across the cross drive here at 102nd Street  
20 and, going west and then south on the, on the South Drive.  
21 Q Excuse me, your finger is next a legend there, when  
22 you say you were going south, what roadway were you  
23 traveling on?  
24 A On the West Drive. And then we went west on 100th  
25 Street which took us to 100th Street and Central Park West.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 804

2 Q Approximately what time was it as you were exiting

3 the park?

4 A That was approximately ten to.

5 Q What if anything did you see when you were at 100th

6 Street an Central Park West?

7 A We saw a large group between 101st Street and 102nd

8 Street in Central Park West, walking northbound.

9 MS. LEDERER: The record should reflect the

10 witness is pointing to the right side of the

11 street.

12 Q What side of the street did you see them on?

13 A I saw them on the west side of the street.

14 Q You may resume the witness stand.

15 Would you describe the group you saw as you were

16 leaving Central Park on that night.

17 A It was a large group of teenagers, Black and

18 Hispanic, and they were walking together as a group,

19 northbound.

20 Q How many people did you see in that group?

21 A Anywhere from ten to twenty.

22 Q And what were they doing when you saw them?

23 A They were walking northbound.

24 Q Did you observe any interaction between the people

25 who comprised that group?

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1 T-1 Reynolds-Ppl-direct 805

2 A Well, they were walking as a group, they were  
3 talking. And as we, as we rode alongside of them, what the  
4 group did was they stopped and started pointing at our van.

5 Q Let me go back for a moment. When you described  
6 the group and you referred, you described they were walking  
7 northbound on the block on Central Park West between 101st  
8 and 102nd, how close together were the members of this  
9 group?

10 A They were altogether like a pack.

11 MR. JOSEPH: Objection.

12 THE COURT: I'll allow it.

13 Q What direction did you turn on to Central Park  
14 West?

15 A We turned north. Northbound.

16 Q And what if anything happened as you were driving  
17 northbound?

18 A Well, as we started to approach them, I was going  
19 to call on the radio to have other cars come so we could  
20 sort of box them in, but the group stopped and they took, at  
21 least what I thought was notice of us.

22 MR. BURNS: Objection.

23 MR. JOSEPH: Objection.

24 THE COURT: Don't tell us what you thought  
25 they thought, just tell us what you observed.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 806

2 MR. BURNS: Will that be stricken, your  
3 Honor?

4 THE COURT: Yes.

5 MS. LEDERER: Your Honor, if we could. Is  
6 the hole answer stricken?

7 THE COURT: Just the portion where you're  
8 telling us what you thought they thought. We don't  
9 want you to give us their thought process, give us  
10 your thought process and your observations. Okay?

11 THE WITNESS: Okay.

12 Q What if anything did you see the members of that  
13 group do as you drove northbound?

14 A I saw them stop and what they did was they started  
15 to point to us and I had thought that they recognized us.

16 MR. BURNS: Objection.

17 MR. JOSEPH: Objection.

18 THE COURT: That's what he thought, that was  
19 going through his mind.

20 MR. JOSEPH: I would object to that, even if  
21 it was going through his mind. No, I will allow  
22 it, that's his thought process, I will allow that.

23 Go ahead.

24 Q Did you see whether there was anybody near the  
25 police, the Parks Department van that you were driving at

H. C. Davis

1 T-1 Reynolds-Ppl-direct 807  
2 that time?  
3 A Yes.  
4 Q All right. Would you describe who you saw near the  
5 van and how you became aware of that person's presence.  
6 A I saw police officer Flores and she was driving,  
7 she was in uniform driving a Mark three wheel scooter.  
8 Q Where was it you saw her?  
9 A She had pulled up right alongside of us on my  
10 righthandside and we were between her and the group.  
11 Q Prior to seeing officer Flores at the sight you  
12 just described, had you seen her earlier in the evening?  
13 A Yes.  
14 Q And where had you seen her earlier in the evening?  
15 A I saw her driving around, also looking for the,  
16 canvassing for the group.  
17 Q When did you first become aware of her as you were  
18 driving north on Central Park West?  
19 A Right after the group stopped and started pointing.  
20 Q And at that point when you became aware of officer  
21 Flores' presence, where did you see her?  
22 A She was on my righthandside, she had pulled up  
23 alongside of us, that's when we realized that--  
24 MR. JOSEPH: Objection.  
25 A That's when I realized they were going to run.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 808  
2 MR. JOSEPH: Objection.  
3 THE COURT: That's his thought process, that's  
4 what he was thinking when he saw her pull up  
5 alongside. I'll allow it.  
6 Q What if anything did you and officer Powers do when  
7 you became aware that officer Flores was on your right?  
8 A Well then we, I realized they were going to run  
9 from us because.  
10 MR. RIVERA: Objection.  
11 THE COURT: No, overruled.  
12 Go ahead.  
13 A Because they'd stopped and started to point at the  
14 van, at least I thought they were pointing at the van, they  
15 were really pointing at her and thought she--  
16 MR. JOSEPH: Objection.  
17 THE COURT: Don't tell us what they thought.  
18 You tell us what you thought.  
19 THE WITNESS: Okay.  
20 Q What if anything did you and officer Powers do at  
21 that point?  
22 A We took the van and cut them off at 102nd Street.  
23 Q Would you step down again and approach People's 2  
24 in evidence and show the members of the jury where you and  
25 officer Powers went with the van and describe the position

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1 T-1 Reynolds-Ppl-direct 809

2 of the van in relation to Central Park West.

3 A Okay. We had, at 102nd Street we pulled in  
4 perpendicular to Central Park West into the crosswalk with  
5 the van sitting in traffic.

6 Q Was the van pulled into 102nd Street?

7 A No. It was on Central Park West.

8 Q And what happened when you pulled the van into that  
9 location?

10 A We got out of the van, identified ourselves and  
11 told them not to run.

12 Q Why don't you resume the witness stand.

13 From the position that you've just described that  
14 the Parks Department van was in, which of you were closer to  
15 the group?

16 A Police officer Powers.

17 Q And when the van was pulled in that position, what  
18 if anything did you do?

19 A I got out of the van, he got out of the van and  
20 again we identified ourselves and told them not to run.

21 Q When you got out of the van, did you go around the  
22 front or the back of the van?

23 A I went around the front.

24 Q And whether you went around the front, how close  
25 were the members of the group to you at that time?

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1 T-1 Reynolds-Ppl-direct 310

2 A I'd say about a car length or two.

3 Q And what if anything did the members of the group  
4 do when you said what you just described?

5 A They ran.

6 Q And did any members of the group not run?

7 A Yes.

8 Q And who, would you describe what happened with  
9 respect to people who did not run.

10 A Well, they didn't run, I, we told them to get  
11 against the wall, gave them a quick, you know, frisk in case  
12 they had any kind of weapons.

13 Q How many people did not run when you identified  
14 yourselves?

15 A Two.

16 Q And where were those people in relation to the  
17 group?

18 A They were with the group, they were right in the  
19 front.

20 Q And how close were you to them at the time --

21 MS. LEDERER: Withdrawn.

22 Q How close were the others in the group to you in  
23 relation to where these in the group were?

24 A Excuse me, I'm sorry?

25 Q You indicated that there were people in the group

H. C. Davis



1 T-1 Reynolds-Ppl-direct 811  
2 that didn't run, how many didn't run?  
3 A Two.  
4 Q And where were those people in relation to the  
5 other members of the group that didn't run?  
6 A They were with the group, but they were right at  
7 the front of the pack.  
8 Q Did you later learn the names of those two people?  
9 A Yes.  
10 Q And what were their names?  
11 A Steve Lopez and Raymond Santana.  
12 Q What did you do with respect to those people?  
13 A We took them, placed them against the wall and  
14 patted them down real quick.  
15 Q When you say you took them, do you know which  
16 person you took?  
17 A No, I don't recall.  
18 Q And would you describe how you, what you mean when  
19 you say took them.  
20 A I grabbed him by his arm.  
21 Q And you indicated you put him against the wall?  
22 A Yes.  
23 Q Was his face to the wall or face to you?  
24 A Face to the wall.  
25 Q And what did you do at that point?

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1 T-1 Reynolds-Ppl-direct 812

2 A I patted his outside clothing down to make sure he

3 had, you know, didn't have a knife or a gun or anything.

4 Q Did you find any kind of a weapon?

5 A No.

6 Q Okay. Where was officer Powers while you were

7 doing this?

8 A He was standing right alongside me.

9 Q And what was he doing?

10 A He was doing the same with the other person he had.

11 Q Do you know which person you had taken hold of?

12 A No, I don't recall.

13 Q And do you know the name of the person officer

14 Powers had taken hold of?

15 A No.

16 Q Other than those two people, where did everybody

17 else in that group go?

18 A The group ran south on Central Park West towards

19 101st Street and then at 101st Street they ran west.

20 Q After you had frisked the person you had against

21 the wall, what did you do with him?

22 A I stood there were them and while officer Powers

23 chased the rest of the group along with officer Flores.

24 Q At the time that you and officer Powers stopped

25 Steve Lopez and Raymond Santana, did Raymond Santana make

H. C. Davis

1 T-1 Reynolds-Ppl-direct 813

2 any statement to you?

3 A Yes, he did.

4 Q And would you tell us please what he said to you.

5 A He stated that he had just come from a girlfriend's

6 house and that he didn't know the group and that they were

7 about to rip them off.

8 Q How long did you say, excuse me, how long did

9 officer Powers stay at that location with you after you had

10 taken these two individuals and put them against the wall?

11 A Just long enough to pat down the person that he was

12 holding.

13 Q And where did he go after that?

14 A He ran after the group.

15 Q Did you handcuff either of those two people at that

16 time?

17 A No.

18 Q Did you see where officer Flores went?

19 A Officer Flores was also in pursuit of the group.

20 Q And was she doing that on foot or on the scooter?

21 A In the scooter.

22 Q Where did you see her go?

23 A I saw her in the street go south on Central Park

24 West and then west on 101st Street.

25 Q Did you see either officer Powers or officer Flores

H. C. Davis

1 T-1 Reynolds-Ppl-direct 314  
2 again after you saw them run west on 101st Street?  
3 A Yes.  
4 Q And would you please tell us where you saw them.  
5 A They had run east on 101st Street, doubling back,  
6 you know, for the kids that had run back the other way.  
7 Q And did you see them come back to 101st Street and  
8 Central Park West?  
9 A Yes.  
10 Q Did you see any members of the group at that time?  
11 A Yes.  
12 Q And approximately how many members of the group did  
13 you see?  
14 A It was about six or seven of them.  
15 Q What did you see them doing?  
16 A They ran across Central Park West and when they got  
17 to the wall, they jumped over the wall, into the park.  
18 Q And what if anything did you see officer Powers do.  
19 A I saw him also run cross Central Park West and he  
20 jumped over the wall.  
21 Q And what did you see officer Flores do?  
22 A I believe she drove her scooter around and went  
23 through the, went through the 100th Street entrance.  
24 Q What did you do during this time?  
25 A During this time I stood there with the, with Lopez

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1 T-1 Reynolds-Ppl-direct 815  
2 and Santana and I put over the air, I called for assistance  
3 for other units to come and help out officer Powers with  
4 the, with the perps he was chasing.

5 Q Officer Reynolds, I ask you to look around the  
6 courtroom today, do you see Raymond Santana in court today?

7 A Yes.

8 Q And would you please point him out.

9 A He's sitting right there with, I believe it's a  
10 blue tie, white shirt and glasses.

11 MS. LEDERER: The record should reflect the  
12 witness has identified Raymond Santana.

13 Q Approximately how long did you stay at that sight  
14 with Steve Lopez and raped Santana?

15 A I'd say about fifteen, twenty minutes.

16 Q Did there come a time where a police car came to  
17 the location where you were?

18 A Yes.

19 Q And who was in that car?

20 A That was Sgt. Wheeler and another police officer, I  
21 don't recall his name now.

22 Q What happened --

23 A Officer Morales.

24 Q What happened when that police car arrived?

25 A They, when they got there, then they were placed, I

H. C. Davis

1 T-1 Reynolds-Ppl-direct 816  
2 placed the handcuffs on them and put them in the back of the  
3 car.

4 Q And what did you do after they were placed in the  
5 radio car?

6 A I had waited for officer Powers to come back with  
7 the keys for the van so we could drive back to 100th Street  
8 and Central Park West.

9 Q Did officer Powers come back on the location where  
10 you were?

11 A Yes.

12 Q Approximately how much time went by to the time  
13 Stephen Lopez and Raymond Santana were taken in the police  
14 car, how much time went by from the time those two were  
15 taken in the police car until officer Powers came back.

16 A I'd say about five minutes.

17 Q And after officer Powers came back, what if  
18 anything did you do?

19 A We drove back to 100th Street and Central Park  
20 West, inside of the park.

21 Q Who did you see when you got to 100th Street and  
22 Central Park West?

23 A I saw my supervisor, Sgt. Lale and the other  
24 officers that were involved in the pursuit.

25 Q And did you see Raymond Santana or Steve Lopez at

H. C. Davis

1 T-1 Reynolds-Ppl-direct 817

2 that location?

3 A Yes.

4 Q Without us where you saw them?

5 A I saw them in the back of Sgt. Wheeler's car.

6 MS. LEDERER: With the Court's permission.

7 Q If you would step down People's 2 in evidence and  
8 show the members of the jury the location where you went  
9 after officer Powers came back with the keys to the van.

10 A We went right here, 100th Street and Central Park  
11 West, inside the park.

12 Q Okay, thank you. You may resume the witness stand.

13 Other than your supervisor and Raymond Santana and  
14 Steve Lopez and yourself an officer Powers, who else did you  
15 see at that location?

16 A I saw the defendants.

17 MR. RIVERA: Objection.

18 THE COURT: Objection sustained.

19 Q Could you tell us by name who you saw at that  
20 location.

21 MR. JOSEPH: Objection.

22 THE COURT: No, I'll allow it.

23 A Clarence Thomas, Lamont Mc Call, Kevin Richardson,  
24 and Stephen Lopez and Raymond Santana.

25 Q How long did you stay at that location?

H. C. Davis

1 T-1 Reynolds-Ppl-direct 818

2 A I'd say about ten, fifteen minutes.

3 Q Add during that time did you have any conference or

4 discussion with your sergeant and other police officers?

5 A Yes.

6 Q What did you say during that discussion with the

7 sergeant and the other police officers?

8 MR. JOSEPH: Objection.

9 THE COURT: Come up for a minuted, please.

10 Step down, please.

11 (At side bar.)

12 THE COURT: What is he going to say?

13 MS. LEDERER: All he's going to say, there

14 was a discussion whether had heed do a showup with

15 John Loughlin, and it was decided not to do it.

16 THE COURT: Okay, I'll allow that.

17 MS. JOSEPH: That's over objection.

18 THE COURT: Yes.

19 MR. JOSEPH: What's the relevance that it was

20 decided not to do it?

21 MR. BURNS: That's my point.

22 THE COURT: We'll find it out shortly.

23 MS. LEDERER: It explains why they went

24 there, what they did with him. And it explains

25 what the police procedure is at the stationhouse.

H. C. Davis



1 T-1 Reynolds-Ppl-direct 819  
2 MR. JOSEPH: My objection is not just  
3 relevance, it seems again we're getting into  
4 hearsay, which clearly the door has not been  
5 opened up to. It was decided not to do a lineup,  
6 with John Loughlin.  
7 THE COURT: A show up.  
8 MR. JOSEPH: A show up with John Loughlin,  
9 that too is a determination made by more than one  
10 individual which was at least implicitly, if not  
11 explicitly calls for a statement as to what was  
12 discussed by other officers.  
13 THE COURT: I'll allow it. Overruled.  
14 (In the presence of the jury.)  
15 Q Was there a discussion had at that location among  
16 the police officers?  
17 A Yes.  
18 Q And what was the nature of that discussion?  
19 MR. JOSEPH: Objection.  
20 THE COURT: I'll allow it.  
21 A It was regarding the arrest of the defendants.  
22 Q Was there any discussion about what, whether there  
23 would be any kind of show up?  
24 MR. RIVERA: Objection.  
25 THE COURT: I'll allow it.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 820

2 A Yes.

3 Q And what was the nature of that discussion?

4 A We had wanted to get the--

5 MR. JOSEPH: Objection, Judge, as to what  
6 they wanted to.

7 THE COURT: Yeah, just tell us what were you  
8 going to do about a show up.

9 A We were going to have a show up with the  
10 complainant, John Loughlin, and we had to ascertain if he  
11 could identify the people that assaulted him at that time.

12 Q Was a show up done with John Loughlin?

13 A No.

14 Q At that time did you know the name John Loughlin?

15 MR. JOSEPH: Objection.

16 THE COURT: I'll let him answer.

17 A No.

18 Q Did there come a time where you left the location  
19 at 100th Street and Central Park West, inside the park?

20 A Yes.

21 Q And where did you go at that time?

22 A We went back to Central Park Precinct.

23 Q How did you get from that location to the Central  
24 Park Precinct?

25 A In the green Parks Department van.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 821  
2 Q Who did you travel with.  
3 A Police officer Powers.  
4 Q And did you have any of the people who had been  
5 apprehended in the van with you?  
6 A No.  
7 Q And do you know how Raymond Santana was transported  
8 to the Central Park Precinct.  
9 A He was transported I believe with the Sergeant,  
10 Sgt. Wheeler.  
11 Q How long did it take to get from that location to  
12 the Central Park Precinct?  
13 A About five minutes.  
14 Q And what happened when you arrived at the precinct?  
15 A We went before the desk with the, with five  
16 defendants.  
17 Q When you arrived at the precinct, did you arrive  
18 there first or did the People taken into custody get there  
19 before you?  
20 A I believe we arrived at about, just about the the  
21 same time.  
22 Q And you described of went before the desk, would  
23 you explain for the members of the jury what that means.  
24 A We go before the desk to make a record of the fact  
25 that I had made an arrest and who the people were that were

H. C. Davis

1 T-1 Reynolds-Ppl-direct 822  
2 arrested, and you know, their names, addresses and what they  
3 were being arrested for.

4 Q Did you take all five of the people who had been  
5 taken into custody before the desk?

6 A Yes.

7 Q And do you know the names and the physical  
8 descriptions of each of the people that you took into  
9 custody that night?

10 A Yes.

11 Q Would you please give the name of each person taken  
12 into custody, a physical description of that person and  
13 indicate their age.

14 A Okay. I'll just quickly look at my notes.

15 THE COURT: If you have to.

16 A Let me see, there was Raymond Santana, who was, who  
17 is fourteen, and he was in apparently normal condition.

18 MR. RIVERA: Objection.

19 Q What was his race?

20 THE COURT: Don't tell us about normal  
21 condition, just give us the name, description of  
22 what they --

23 Are you asking for description of their--

24 MS. LEDERER: Physical appearance.

25 MR. RIVERA: Objection.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 823  
2 Q Did you learn the race of Raymond--  
3 MR. BURNS: Did you rule on the objection?  
4 THE COURT: Just a minute, I'm trying to  
5 clarify the question.  
6 MS. LEDERER: I withdraw the prior question.  
7 THE COURT: They're withdrawing.  
8 MR. JOSEPH: She's withdrawing? Oh.  
9 Q Officer, did you learn the race of Raymond Santana?  
10 A Yes.  
11 Q And what race was he?  
12 A He was a male Hispanic.  
13 Q And did you learn his address at the time he was  
14 taken into custody.  
15 A Yes.  
16 Q What was the address?  
17 MR. RIVERA: Objection.  
18 THE COURT: I'll allow it..  
19 A It was  
20 Q And with respect to the others who were taken into  
21 custody at that time?  
22 A Yes.  
23 Q Did you learn Kevin Richardson's age?  
24 A Yes, he was fourteen.  
25 Q And what was his, what was his racial make up?

N. C. Davis

1 T-1 Reynolds-Ppl-direct 824

2 A He was Black.

3 Q And what was his address?

4 A

5 Q Did you learn the age of Clarence Thomas?

6 A Yes, he was 14.

7 Q And did you learn his address?

8 A That was

9 Q And what was his race.

10 A He was a male black also.

11 Q With respect to Lamont Mc Call, did you learn his

12 age?

13 A Yes. He was thirteen years old. He was a male

14 black and he lived at

15 Q And with respect to Steven Lopez?

16 A He was fifteen, he was a male Hispanic and he lived

17 at

18 Q At the time that these five people were taken

19 before the desk, were they handcuffed?

20 A Yes, they were.

21 Q How long were you before the desk with those five

22 people?

23 A I'd say approximately five to ten minutes.

24 Q And during the time you were before the desk, other

25 than the address and the date of birth and the age of those

H. C. Davis

1 T-1 Reynolds-Ppl-direct 825  
2 people, was any other information taken from them?  
3 A Yes.  
4 Q And what information was that?  
5 MR. JOSEPH: Objection.  
6 A Their telephone numbers.  
7 Q Who took that information from them there?  
8 A Police officer Powers.  
9 Q After you finished appearing before the desk,  
10 before the desk sergeant, where did you go?  
11 A I went to the juvenile room with the defendants.  
12 Q Where was the juvenile room located?  
13 A It was in our clerical office, which is a separate  
14 building from the precinct.  
15 Q And how is it separate from the precinct?  
16 A It was separated by a driveway and --  
17 Q Would you tell the members of the jury what is a  
18 juvenile room?  
19 A A juvenile room is a room designated by the Family  
20 Court which is suitable for questioning of juveniles for  
21 their arrest or if they're lost or if you have a juvenile in  
22 police custody for any reason, this is the room which you  
23 take them in.  
24 Q What is a juvenile?  
25 A A juvenile is any person under the age of sixteen.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 826

2 Q What if anything did you do when you entered the  
3 juvenile room with these five young men?

4 A I brought them in the room, took off their  
5 handcuffs and arranged seating for all of them.

6 Q What did you do after you took off the handcuffs  
7 and arranged seating for these five people?

8 A Then I started to do the paperwork.

9 Q What paperwork are you talking about?

10 A It's the on line booking sheet, that's the  
11 paperwork you do when someone is arrested and juvenile  
12 arrest package.

13 Q How many different sets of papers are required for  
14 a juvenile package for each individual?

15 A There is about six or seven for each juvenile.

16 Q And where was officer Powers while you were doing  
17 the paperwork?

18 A He was calling their parents.

19 Q And did there come a time when he finished making  
20 those calls?

21 A Yes.

22 Q And did you see him after he finished making those  
23 calls?

24 A Yes.

25 Q Where did you see him?

H. C. Davis



1 T-3 Reynolds-Ppl-cross (Rivera) 909  
2 the Assistant District Attorneys and all sworn  
3 jurors are present.

4 THE COURT: All right, good afternoon, ladies  
5 and gentlemen.

6 THE CLERK: Officer Reynolds, may I remind you  
7 you're still under oath.

8 THE WITNESS: Yes.

9 CONTINUING CROSS EXAMINATION

10 BY MR. RIVERA:

11 Q Officer, before we broke, you indicated to us that  
12 there was some chiefs and members of the press that were  
13 present at the Central Park Precinct; is that correct?

14 A Yes.

15 Q And is that unusual to see top brass at the Central  
16 Park Precinct during an arrest?

17 A There is not a lot of arrests there, so, but yeah,  
18 I would say it is. Slight.

19 Q Under normal circumstances would it be unusual to  
20 see a high member of the brass at any precinct when youths  
21 are arrested?

22 MS. LEDERER: Objection.

23 THE COURT: I'll allow it.

24 A It depends on the precinct.

25 Q Are there some precincts where this would not be

E. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 910

2 unusual?

3 MS. LEDERER: Objection.

4 A Yes.

5 Q What about the Central Park Precinct, is this  
6 unusual at the Central Park Precinct?

7 A Slightly, yes.

8 Q And the same applies for the members of the press?

9 A Yes.

10 Q Is thsi the first time you make an arrest where you  
11 have that kind of brass and that kind of press present?

12 A Yes.

13 Q And at what point in time were you apprised that  
14 there case was going to have special significance within the  
15 modus operandi of the Police Department.

16 MS. LEDERER: Objection.

17 THE COURT: Sustained.

18 Q Were there any Assistant District Attorneys present  
19 at any time when you were involved in this case between  
20 April the 19th and April the 20th?

21 MS. LEDERER: Objection.

22 THE COURT: I'll let him answer.

23 A Yes.

24 Q And would that about A.D.A. Lederer?

25 A Yes.

H. C. Davis

1 T-3 Reynolds-Ppl-cross (Rivera) 911

2 Q And was there also an A.D.A. Fairstein?

3 A Yes.

4 Q Were there any other members of the District  
5 Attorney, District Attorney present, particularly any  
6 Assistant District Attorney?

7 A I don't think so.

8 Q And when for the first time did you see an  
9 Assistant District Attorney on this matter?

10 A The night of the 20th.

11 Q Prior to the evening of the 20th, you had not seen  
12 any A.D.A.s?

13 A Regarding this matter?

14 Q Regarding this case.

15 A No.

16 Q Did you see them in the building or any other  
17 buildings involved in the case?

18 A No.

19 Q Prior to the 20th?

20 A No.

21 Q Officer, you testified that you spoke to a police  
22 officer Alvarez; is that correct?

23 A Yes.

24 Q And police officer Alvarez informed you of an  
25 assault on an individual; is that correct?

H. C. Davis

T10-SC-T5

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Arroyo - Cross - Rivera

Q And that part was not in when you first made out this statement, is that correct?

A That's correct. Because if he had anything additional to add, it would have been added there.

Q But it wasn't in when you read the statement to Ramon?

A That's correct.

Q Now, were you the one who called the district attorney's office to have him come down?

A No, I was not.

Q Were you present when the DAs office showed up?

A Yes.

Q And at about what time did representatives of the DAs office show up?

A I'm not sure exactly what time they showed up. I first encountered the DAs at the 20th Precinct after I was finished at the Central Park Precinct.

Q So, they weren't at the Central Park Precinct?

A Well, I don't recall seeing them there.

Q First time you saw them was at the 20 Precinct, 20th Precinct?

A That's correct.

Q And was this in the morning or in the afternoon that you saw them?

T10-SC-TS

2499

Arroyo - Cross - Rivera

A This was in the evening.

Q And you have no recollection at about what time you saw them?

A No, I don't.

Q And from the district attorney's office did you see at the precinct?

A I saw district attorney Linda Fairstein, district attorney Liz Lederer and district attorney Tim Clements.

Q Do you know who Linda Fairstein is in the hierarchy of the district attorney's office?

A Yes.

Q And who is she?

A She was the sex crimes senior trial lawyer for the DAs office.

Q Was she the chief of the sex crime unit for the DAs office?

A I'm not exactly sure what her rank was, but she held some position along those lines at that time.

Q She had a position within the district attorney's office, a high position within the DAs office, is that correct?

A Well, I would assume you would call it that, yeah.

Q And you saw them there on the evening of April the 20th, am I correct in that?

T10-SC-TS

2500

1 Arroyo - Cross - Rivera

2 A Yes.

3 Q And the job of a district attorney, the primary job  
4 of the district attorney is to assist the police in getting a  
5 statement from a defendant?

6 A That's not correct.

7 Q They assist the police in getting a video statement  
8 from the defendant, is that correct?

9 A They did perform video statements, yes.

10 Q When you got the statement from Ramon Santana, you  
11 didn't run out and call the DAs office and say we got a  
12 statement from Defendant Santana, come on down so we can make  
13 a video of it?

14 A Absolutely not.

15 Q You waited to get statements from all defendants  
16 before you called the DAs office?

17 MR. CLEMENTS: Objection.

18 THE COURT: Objection sustained.

19 Q And so -- were you present when a video statement  
20 was taken of Ramon Santana?

21 A Yes, I was.

22 Q And who else was present in the room?

23 A Ramon Santana, Ramon Santana, Sr., district attorney  
24 Liz Lederer and detective Mike Sheehan.

25 Q And yourself, is that correct?

T10-SC-TS

2501

1                                   Arroyo - Cross - Rivera

2           A       And myself.

3           Q           And detective Sheehan is from the Manhattan North  
4 Homicide?

5           A       That's correct.

6           Q       Did you escort Ramon into the video room?

7           A       I don't recall. I don't believe I did. I don't  
8 recall if I did escort him.

9           Q           Did you at any point in time tell Ramon that they  
10 were going to take a video statement of him?

11          A       No, I don't recall.

12          Q       When you finished questioning Ramon at 4:40 in the  
13 afternoon, did you say Ramon, you got to wait around because  
14 we're going to take a video statement of you?

15          A       You got to what?

16          Q       You have to wait around because we're going to take  
17 a video statement of you?

18          A       No, I didn't tell him that.

19          Q           It was your testimony you went up and you gave a  
20 statement that you took from Ramon Santana to one of the  
21 supervisors, is that correct, detective supervisors?

22          A       That's correct.

23          Q       Was that detective supervisor Lieutenant Doyle?

24          A       That's correct.

25          Q       And this was the commanding officer of the homicide

1 Eric Reynolds

2 in the playground before you left?

3 A. I don't recall the exact time. It  
4 wasn't long.

5 Q. It wasn't long?

6 A. No.

7 Q. Could it have been five minutes,  
8 ten minutes?

9 A. It could have been.

10 Q. After you left, where did you and  
11 Officer Powers go, what did you do?

12 A. We continued to canvas.

13 Q. You continued to canvas the park  
14 area, the northern end of the park, correct?

15 A. Yes.

16 Q. How long did you canvas the  
17 northern end of the park inside the park?

18 A. Well, I don't recall the exact  
19 time.

20 Q. Could it have been another 15  
21 minutes, a half an hour, what?

22 A. Again, I don't recall the exact  
23 time.

24 Q. What did you do after that, where  
25 did you go after you completed your canvas of



1 Eric Reynolds

2 the park?

3 A. We continued to canvas.

4 Q. You continued to canvas, okay,  
5 inside the park?

6 A. Yes.

7 Q. How long did you canvas inside the  
8 park?

9 MR. MYERBERG: Objection.

10 A. Again, I don't recall.

11 Q. Do you remember what you did? Did  
12 there come a time that you ever left the park?

13 A. Yes.

14 Q. And do you remember approximately  
15 what time you left the park?

16 A. I think it was, I believe it was  
17 10:50.

18 Q. About 10:50, okay.

19 A. 10:45. I'm not sure of the exact  
20 time.

21 Q. That's okay. And so you left the  
22 park, you and Officer Powers. Why did you leave  
23 the park? I'm curious, why did you stop the  
24 canvassing inside the park?

25 A. Because I didn't believe that the

1 Eric Reynolds

2 group was in the park anymore.

3 Q. So is it fair to say from about  
4 9:15 until the time that you left at about 10:45  
5 thereafter, you never ever saw any black males  
6 in the park; is that correct, in the northern  
7 end of the park?

8 MR. MYERBERG: Objection.

9 A. No.

10 Q. You can answer.

11 A. No, it's not fair to say.

12 Q. Other than the ones who were on the  
13 playground; is that correct?

14 A. No.

15 Q. You never saw any group of black  
16 males together inside the park in the northern  
17 end at any time between 9:15 and the time you  
18 left; is that correct?

19 MR. MYERBERG: Objection.

20 A. I don't believe --

21 MR. MYERBERG: You can answer.

22 A. I don't believe so.

23 Q. Right. And as a matter of fact,  
24 isn't that why you decided to leave and go over  
25 to, was it Central Park West that you went to?

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1 Eric Reynolds

2 A. Yes.

3 Q. And you went over to Central Park  
4 West. When you exited the park on Central Park  
5 West, what street did you exit on?

6 A. 100th Street.

7 Q. 100th Street, okay.

8 A. Yes.

9 Q. And when you got to Central Park  
10 West going out the 100th Street exit, which way  
11 did you go from there, a left or a right?

12 A. We made a right.

13 Q. Is there any special reason you  
14 made a right?

15 A. Because we saw a large group of  
16 male blacks and Hispanic teenagers.

17 Q. When you first saw them, where did  
18 you see them on Central Park West?

19 A. They were between 101st and 102nd  
20 Street.

21 Q. So they were walking -- correct me  
22 if I'm wrong, Detective -- they were walking in  
23 a northerly direction; is that correct?

24 A. Yes.

25 Q. So is it fair to say they were

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P-APP002556

1 Eric Reynolds

2 walking in a northerly direction, they were  
3 coming from a southerly direction?

4 A. Yes.

5 Q. On Central Park West?

6 A. Yes.

7 Q. So they were walking in the  
8 direction of 102nd Street, correct?

9 A. I'm sorry?

10 Q. They were walking in a northerly  
11 direction. You say you saw them at about 101st.  
12 They were walking in a northerly direction  
13 toward 102nd Street; is that correct?

14 A. That's correct, yes.

15 Q. When you saw them, what did you and  
16 Officer Powers do?

17 MR. WARREN: Withdrawn.

18 Q. Let me ask you a question before  
19 that. When you saw them, they were just  
20 walking; is that correct?

21 A. They were walking, talking with  
22 each other.

23 Q. Right, when you saw them, at no  
24 time did you see them harassing anybody, beating  
25 anybody, you didn't see any of that?

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Eric Reynolds

A. There was no one else on the street but them.

Q. So they were just walking and talking together; is that correct?

A. That's correct.

Q. Approximately how many of them were there, sir?

A. There was a lot. I had estimated between, you know, ten, 15. There might have been more. I don't recall though.

Q. And were they all black males?

A. They were male black and Hispanics.

Q. And Hispanics?

A. Yes.

Q. So after you saw them walking from a southerly direction north in the direction of 102nd Street, what happened after that, what did you all do?

A. I was going to take my radio, and first we were observing them, and I was going to take my radio and ask for additional units to respond so that we could stop the group.

Q. Go ahead, sir. I'm sorry, go ahead.

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P-APP002558

1 Eric Reynolds

2 A. That's it.

3 Q. Okay, why were you going to be  
4 asking for additional units if they were just  
5 walking and talking to each other? I'm just  
6 trying to get this etched deeply in my mind in  
7 understanding it. Why would you call for  
8 additional units?

9 A. Because there was a large number of  
10 them.

11 Q. But they were just walking and  
12 talking, right?

13 A. Yes.

14 Q. And that was it, no crimes being  
15 committed, correct?

16 MR. MYERBERG: Objection.

17 A. We wanted additional units so that  
18 we could stop all of them in case they decided  
19 to run.

20 Q. What happened after that, after you  
21 made the call for additional units?

22 A. I didn't get to make the call.

23 Q. Why not?

24 A. Because the group stopped and  
25 started pointing at us, and then some of the



1 Eric Reynolds

2 males towards the rear started to walk off. But  
3 they were, appeared to have been alarmed by our  
4 presence. I thought it was our presence.

5 Q. What happened after that?

6 A. There was a rap on my window and it  
7 was, turned out that there was a cop in uniform  
8 on a scooter, and that officer was Officer  
9 Flores had pulled up to us to tell us she  
10 thought that might have been the group, and we  
11 explained to her that's why we were there.

12 Q. She explained that might have been  
13 the group, what did she mean?

14 A. The group we were looking for.

15 Q. But you never.

16 Saw anybody inside the northern end  
17 of the park while you were in the park; is that  
18 correct?

19 A. Sorry?

20 Q. You never saw any black males  
21 inside the park --

22 MR. MYERBERG: Objection.

23 Q. -- while you were canvassing; is  
24 that correct?

25 A. No, I didn't say that.

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1 Eric Reynolds

2 Q. So are you saying when she said it  
3 might have been the group, what group are you  
4 referring to?

5 A. The group that was harassing and  
6 assaulting people.

7 Q. So after you saw Officer Flores --  
8 is it Officer Flores?

9 A. Yes.

10 Q. Then what happened after that?

11 A. Because the group, some of them  
12 started, some of them in the rear started to  
13 walk away in the opposite direction, we decided  
14 to pull the van into the intersection of 102nd  
15 and Central Park West --

16 Q. Yes.

17 A. -- to block the group and stop them  
18 so we could, so we could, you know, show up.

19 Q. Did you stop them or what?

20 A. We tried to stop them.

21 Q. What did you do after that?

22 A. We pulled the van up into the  
23 intersection. I got out of the van. Officer  
24 Powers got out also.

25 Q. Yes.

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P-APP002561



1 Eric Reynolds

2 A. We identified ourselves as police  
3 officers and told them not to run and the group  
4 started running.

5 Q. In which direction did the group  
6 run?

7 A. They ran south.

8 Q. They ran south?

9 A. Yes.

10 Q. On Central Park West?

11 A. Yes.

12 Q. All of them?

13 A. No.

14 Q. And what happened after that, what  
15 did you do?

16 A. I approached Raymond Santana and  
17 Steven Lopez along with my partner, and we put  
18 them against the wall and frisked them for  
19 weapons.

20 Q. Where did you approach Raymond  
21 Santana and Steven Lopez?

22 A. On the sidewalk between 101st and  
23 102nd Street on Central Park West.

24 Q. Is there any particular reason why  
25 you approached Raymond Santana and Steven Lopez,

1 Eric Reynolds

2 other than the fact that you thought that they  
3 might have been a part of the group?

4 A. Because they were part of the  
5 group.

6 Q. But other than the fact that --  
7 part of what group, the group that was walking  
8 up Central Park West?

9 A. Yes.

10 Q. But other than that, is there any  
11 reason why you stopped those particular two?

12 A. Well, again, they were part of the  
13 group.

14 Q. That was walking up Central Park  
15 West?

16 A. Yes.

17 Q. But that's the only reason why you  
18 stopped those two; is that correct?

19 MR. MYERBERG: Objection.

20 A. No.

21 Q. I'm sorry?

22 A. No.

23 Q. What was the other reason?

24 A. They fit the description of the  
25 males we were looking for.

1 Eric Reynolds

2 Q. When you say they fit the  
3 description of the males you were looking for,  
4 when you heard the radio transmissions, was  
5 there a clothing description given of the males?

6 A. I don't recall.

7 Q. Was there a color description given  
8 of the males?

9 MR. MYERBERG: Objection.

10 A. We were given a description of  
11 teenage males, black and Hispanics.

12 Q. Right, that was the only  
13 description you were given; is that correct?

14 A. As far as I can recall, yes.

15 Q. What happened after that, after you  
16 approached Lopez and Santana?

17 A. They stated that they weren't with  
18 the group, that the group was about to rob them.

19 Q. Were there any other members of the  
20 group that were stopped or brought back?

21 A. You mean -- if you can rephrase  
22 that.

23 Q. Yes. I mean after you stopped  
24 Lopez and Santana, of the group that you said  
25 you saw, were there any other young men, young

1 Eric Reynolds

2 boys who were arrested?

3 A. Yes.

4 MR. MYERBERG: Objection.

5 Q. And how many others and what are  
6 their names?

7 A. There were three others.

8 Q. Who were they?

9 A. Lamont McCall, Clarence Thomas and  
10 Lamont McCall, Clarence Thomas, and I forgot the  
11 third. The last name was Richardson.

12 Q. Kevin Richardson?

13 A. Kevin Richardson.

14 Q. So there were five in all arrested  
15 from this group; is that correct?

16 A. Yes.

17 Q. And after these young boys were  
18 arrested, what happened after that?

19 MR. MYERBERG: Objection.

20 Q. Go ahead, you can answer.

21 A. Which young boys?

22 Q. The five that you just mentioned,  
23 Steven Lopez, Raymond Santana, Lamont McCall,  
24 Clarence Thomas and Kevin Richardson.

25 A. We brought them to 100th Street and

1 Eric Reynolds

2 Central Park West.

3 Q. When you say "we," was it in your  
4 vehicle?

5 A. No.

6 Q. Who transported these five young  
7 boys?

8 MR. MYERBERG: Objection.

9 A. They weren't transported together  
10 in one car.

11 Q. That's fine. Who did the  
12 transport?

13 A. Sergeant Wheeler and I don't recall  
14 who his partner was, and then I believe Sergeant  
15 Lail and Officer Hennigan.

16 Q. Who did Sergeant Wheeler transport?

17 A. Lopez and Santana.

18 Q. And the others were transported by  
19 Sergeant Lail?

20 A. I believe so.

21 Q. And was there a discussion at all  
22 after these boys were stopped and before they  
23 were transported about doing a showup  
24 identification with Mr. Loughlin?

25 A. Yes.

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1 Eric Reynolds

2 Q. And was a showup identification  
3 conducted?

4 A. No.

5 Q. Why not?

6 A. Mr. Loughlin's injuries were too  
7 extensive. He wasn't able to ID.

8 Q. Where was Mr. Loughlin at that  
9 time?

10 A. He was in the hospital.

11 Q. And when you say -- what hospital  
12 was he in?

13 A. I don't recall that.

14 Q. Would it refresh your recollection  
15 if I told you that he was in St. Luke's  
16 Hospital?

17 A. It sounds right.

18 Q. How did you find out his injuries  
19 were such that he would not be able to  
20 participate in a showup identification?

21 A. I was informed of that by another  
22 officer.

23 Q. By who?

24 A. I don't recall who said that.

25 Q. You don't recall?

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Eric Reynolds

A. No.

Q. How soon after the arrest of these five boys were you informed that Mr. Loughlin was in such a condition that you could not conduct a showup?

A. It was maybe ten, 15 minutes. I don't recall.

Q. Ten or 15 minutes?

A. It could have been. I don't recall what the time frame was.

Q. Were these young boys, were they at the precinct when you found out what you described as his condition, or were you still out in the street?

A. We were still in the street.

Q. What were the nature of his injuries?

MR. MYERBERG: Objection.

A. He was beaten with a pipe, I believe.

Q. But why couldn't he participate in the showup?

MR. MYERBERG: Objection.

A. My understanding was both of his

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1 Eric Reynolds

2 eyes were swollen shut.

3 MR. WARREN: I'd like to get this  
4 marked as Reynolds 3.

5 [Page 715 of a transcript was  
6 hereby marked as Reynolds Exhibit 3 for  
7 identification, as of this date.]

8 Q. Let me know when you're finished  
9 reading. Have you read that document?

10 A. Yes.

11 Q. Having read that, this is your  
12 testimony in a prior proceeding. Does that  
13 refresh your recollection that you've testified  
14 previously that only one of his eyes was badly  
15 damaged?

16 MR. MYERBERG: Objection. That's  
17 not the testimony here.

18 Q. Were both of his eyes shut or just  
19 one of his eyes?

20 A. Again, my understanding was that  
21 both of his eyes were swollen shut. My  
22 testimony here is that at least one of his eyes  
23 was badly damaged.

24 Q. Well, that at least he had one of  
25 his eyes was badly damaged, is that what it



1 Eric Reynolds

2 says?

3 A. Yes.

4 Q. It doesn't say both of his eyes?

5 A. I'm sorry, that wasn't my testimony  
6 earlier. I just said both were swollen shut.

7 Q. I see, thank you.

8 MR. MYERBERG: Just for the record,  
9 this is page 715 in the top right corner,  
10 Reynolds People Recross Colleen Moore.

11 MR. WARREN: That's correct,  
12 starting with line 11 going through 19.

13 Q. Now, what time did you arrive at  
14 the precinct, sir?

15 A. I believe it was around 11.

16 Q. Eleven o'clock?

17 A. Yes.

18 Q. When you arrived at the precinct,  
19 what did you observe?

20 A. I believe the defendants had gotten  
21 there just before me and were standing in front  
22 of the desk.

23 Q. And who else was present at that  
24 time that you recall?

25 A. Sergeant Lail, Officer Hennigan,

1 Eric Reynolds

2 Sergeant Wheeler may have been there also, I  
3 believe. I'm not 100 percent sure.

4 Q. And what did you do after arriving  
5 at the precinct?

6 A. Went to the desk officer and  
7 informed him of what I had.

8 Q. Who was the desk officer at that  
9 time?

10 A. I don't recall.

11 Q. Would that have been a sergeant or  
12 a lieutenant?

13 A. It could have been either.

14 Q. Do you know a Lieutenant McInerney?

15 A. I know who he is.

16 Q. Was he at the desk that night when  
17 you arrived?

18 A. I don't think so.

19 Q. After you arrived and you saw a  
20 desk officer, then what did you do?

21 A. I explained to him what I had.

22 Q. Then what happened?

23 A. I gave him the names and pedigree  
24 information of each of the defendants.

25 Q. Did you actually take down the

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1 Eric Reynolds

2 pedigree information?

3 A. From each defendant?

4 Q. Yes.

5 A. Well, at that point it would have  
6 been the desk officer.

7 Q. The desk officer?

8 A. Yes.

9 Q. And what did you do after you  
10 arrived and after you saw the desk officer, what  
11 did you do thereafter?

12 A. I brought the defendants to the  
13 juvenile room.

14 Q. And what floor of the precinct was  
15 that in?

16 A. That's on the first floor.

17 Q. The first floor?

18 A. Yes.

19 Q. And what did you do after that,  
20 sir?

21 A. I started to process the arrest.

22 Q. When you started to process the  
23 arrest, can you describe a little further what  
24 you mean by that?

25 A. I started to do the paperwork.

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1 Eric Reynolds

2 Q. Okay. On each of the young boys;  
3 is that correct?

4 A. Yes.

5 Q. And how long did that process last,  
6 doing the paperwork on each of these five young  
7 boys?

8 A. I don't recall.

9 Q. Would it have been several hours?

10 A. Again, I don't recall how long each  
11 one took.

12 Q. Did you do the paperwork on each  
13 one of them?

14 A. Yes.

15 Q. And did there come a time that any  
16 of their parents arrived?

17 A. Yes.

18 Q. Who was the first parent to arrive?

19 A. Kevin Richardson's mother.

20 Q. Mrs. Cuffee?

21 A. Yes.

22 Q. And approximately what time did Ms.  
23 Cuffee arrive at the precinct?

24 A. I believe it was around 12 o'clock  
25 at night.

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1 Eric Reynolds

2 Q. Was she alone at that time?

3 A. I believe so.

4 Q. When she arrived, can you tell us  
5 what took place?

6 A. I explained to her that her son was  
7 under arrest with the others.

8 Q. What was her son under arrest for?

9 A. Unlawful assembly, and I believe  
10 the assault on Mr. Loughlin.

11 Q. The assault on Mr. Loughlin?

12 A. I believe so.

13 Q. Had there been an identification at  
14 that point by Mr. Loughlin of her son?

15 A. No.

16 Q. Nevertheless, he was arrested for  
17 unlawful assembly and assault on Mr. Loughlin?

18 MR. MYERBERG: Objection.

19 Q. You can answer.

20 A. I know he was arrested for the  
21 unlawful assembly. I'm not sure if the assault  
22 charge was included.

23 Q. He was arrested for unlawful  
24 assembly where?

25 A. In Central Park.

1 Eric Reynolds

2 Q. In Central Park?

3 A. Yes.

4 Q. Is there anyone who identified him  
5 as being in Central Park that night?

6 MR. MYERBERG: Objection.

7 A. Nobody as far as --

8 Q. Yes.

9 A. -- civilian witnesses?

10 Q. Yes.

11 A. No.

12 Q. What about the others?

13 MR. WARREN: Withdrawn.

14 MR. MYERBERG: The witness has just  
15 asked to take a bathroom break. Is that  
16 possible?

17 MR. WARREN: Oh, sure. We'll take  
18 a five-minute break.

19 MR. MYERBERG: Ten minutes.

20 MR. WARREN: Ten minutes, fine.

21 (A recess was taken.)

22 MR. MYERBERG: Mr. Warren, let me  
23 put one thing on the record for the interns  
24 that are working for your firm. Everyone  
25 signed Exhibit A; is that correct? And the



1 Hartigan/cross/Mr. Moore 2592

2 J O H N H A R T I G A N, was recalled as a witness in  
3 behalf of the People, having previously been duly sworn,  
4 continues to testify as follows:

5 MR. MOORE: May we approach?

6 THE COURT: Yes.

7 (Whereupon, there was a bench conference among  
8 all counsel with the court out of the hearing and  
9 presence of the jury.)

10 (Pause)

11 THE CLERK: Detective, having been previously  
12 been sworn, you're still under oath.

13 THE WITNESS: Yes, sir.

14 THE COURT: Members of the jury, you recall Mr.  
15 Hartigan was here previously, was interrupted. And  
16 we are going to resume his examination today, cross  
17 examination by Mr. Moore.

18 CROSS EXAMINATION

19 BY MR. MOORE:.

20 Q Mr. Hartigan, good morning.

21 A Good morning, sir.

22 Q You indicated in previous cross examination by Mr.  
23 Diller that you retired from the N Y P D sometime in July of  
24 1989, am I correct?

25 A Yes, sir.

1 Hartigan/cross/Mr. Moore 2593

2 Q You also indicated that you were a patrolman for  
3 five years and that you were a detective for twenty years,  
4 am I correct?

5 A In the detective division for twenty years, yes,  
6 sir.

7 Q How long were you with the Manhattan North homicide  
8 detective unit?

9 A Three years.

10 Q And during your tenure with Manhattan North, Mr.  
11 Hartigan, how many cases, homicide cases have you  
12 investigated?

13 A It's hard to say. It's a large number of homicides  
14 that we did. We worked on old homicides. We worked on new  
15 homicides as they came in. We went back on old homicides.

16 Q And what percentage of those cases have resulted in  
17 arrests?

18 MS. LEDERER: Objection.

19 THE COURT: Objection sustained.

20 Q Now, have those cases that you worked on, what  
21 percentage of the defendants in those cases have been black  
22 and Hispanic males?

23 MS. LEDERER: Objection.

24 THE COURT: Sustained.

25 Q Of those cases that you have worked on, what

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P-APP002577



1 Hartigan/cross/Mr. Moore 2594

2 percentage of those cases have been based on statements?

3 MS. LEDERER: Objection.

4 THE COURT: Sustained.

5 Q Now, you've indicated, Mr. Hartigan, that you have  
6 in the course of your investigation, you have dealt with  
7 young people, am I correct?

8 A Yes, sir.

9 Q Would you say in a large percentage of your cases  
10 or a small percentage of those cases?

11 A I'd say a small percentage.

12 Q Now, in April 20, 1989 your tour of duty was from 8  
13 o'clock in the morning to 4 o'clock in the afternoon, am I  
14 correct?

15 A Yes, sir.

16 Q And in fact, Detective Hartigan, you were fairly  
17 busy on that particular day, were you not?

18 A Pardon me?

19 Q You were fairly busy on April 20th, were you not?

20 A Yes, sir.

21 Q As a matter of fact, you participated in the  
22 interview of Kevin Richardson from 9:40 in the morning until  
23 about 1 o'clock in the afternoon, am I not correct?

24 A From about 10 o'clock in the morning, yes, sir.

25 Q Until about 1 o'clock?

1 Hartigan/cross/Mr. Moore 2595

2 A Yes, sir.

3 Q And that interview resulted in a statement from  
4 Kevin Richardson, am I not correct?

5 MS. LEDERER: Objection as to form.

6 THE COURT: Objection as to form is sustained.

7 Q Well, after the interview Kevin Richardson did give  
8 you a statement, is that correct?

9 A Kevin Richardson was giving a statement at the time  
10 I sat in on the interview.

11 Q Yeah. And he gave you a statement, a written  
12 statement?

13 A Yes, sir.

14 Q And from 1 to 6 o'clock you participated in the  
15 interview of Raymond Santana, am I correct?

16 A Yes, sir.

17 Q And that was from 1 to 6 o'clock?

18 A I can't recall exactly what -- I believe it was 1  
19 -- 4 to 6 o'clock. I can not exactly recall the hour.

20 Q And at the end of the interview Raymond Santana  
21 signed a statement, isn't that correct?

22 A Yes, sir.

23 Q And, as a matter of fact, during your examination  
24 of Raymond Santana from 1 to 4 o'clock you asked him  
25 repeatedly --

1 J. HARTIGAN

2 A. No.

3 Q. Detective Inspector Powell, did  
4 you know what he looked like?

5 A. Yes.

6 Q. Did you see him either in the  
7 building or on the grounds of the Central  
8 Park Precinct?

9 A. I don't recall seeing him.

10 Q. You don't recall seeing him,  
11 either?

12 A. No, sir.

13 Q. You knew ADA Fairstein at that  
14 time, correct?

15 MS. DOLAN: Objection to form.

16 BY MR. WARREN:

17 Q. You can answer.

18 A. Yes.

19 Q. Do you recall seeing her on the  
20 grounds at that time?

21 A. No. I don't recall seeing her.  
22 I don't believe I saw her there. When I  
23 arrived at ten o'clock in the morning?

24 Q. Yes, sir.

25 A. No, I don't recall.

1 J. HARTIGAN

2 Q. Did you ever see her there at  
3 the Central Park Precinct?

4 A. I don't recall ever seeing her  
5 at Central Park.

6 Q. You don't recall seeing her at  
7 the Central Park Precinct during the time  
8 you were there?

9 A. That's correct.

10 Q. How about ADA Lederer?

11 A. I don't recall seeing her in  
12 Central Park.

13 Q. So are you saying you didn't  
14 see them?

15 A. I don't recall. I have no  
16 recollection of seeing them in Central  
17 Park.

18 Q. You're saying when you first  
19 arrived at Central Park, you went into a  
20 building and spoke to a desk officer; is  
21 that correct?

22 A. That's correct.

23 Q. Were there any other officers  
24 or personnel in that first building that  
25 you walked into?

1 J. HARTIGAN

2 A. I don't remember. There must  
3 have been other police officers. There's  
4 always police officers within the  
5 confines of the precinct or the  
6 stationhouse.

7 Q. Did you see any officers that  
8 you recognized in that first building?

9 A. No, sir, I did not. I don't  
10 remember seeing anybody.

11 Q. What happened after you walked  
12 into that first building?

13 A. The desk officer informed us  
14 that the investigation was being  
15 conducted in the youth room and I believe  
16 he directed us where to go to the youth  
17 room.

18 Q. At that time, what was the  
19 purpose that you had in your mind for  
20 going to the youth room?

21 MS. DOLAN: Objection to form.  
22 You can answer.

23 A. To assist in any way that we  
24 could.

25 Q. Assist in any way that you

1 J. HARTIGAN

2 could?

3 A. Yes, sir.

4 Q. When you got the call to go to  
5 the Central Park Precinct that you had  
6 referred to earlier, was there a  
7 discussion by whoever called you that you  
8 should at some point go to the youth room  
9 once you arrived?

10 A. I don't believe the youth room  
11 was mentioned. I have no idea. I don't  
12 know if the youth room was mentioned  
13 prior to that or when I went in to see  
14 the desk officer.

15 Q. When you say you don't  
16 remember, you're saying the youth room  
17 could have been mentioned during that  
18 initial call instructing you to go to the  
19 Central Park Precinct?

20 MS. DOLAN: Objection to form.

21 A. I don't believe it was.

22 Q. You don't believe it was?

23 A. Yes, sir.

24 Q. Okay. When you arrived in that  
25 first building -- by the way, who were

1 J. HARTIGAN

2 you working with on that day?

3 A. Detective Scott Jaffer.

4 Q. J-A-F-F-E-R?

5 A. Yes, sir.

6 Q. Prior to that date, how long  
7 had you worked with Detective Jaffer?

8 A. We had come into the Manhattan  
9 North Homicide Division together.

10 Q. So three years?

11 A. Approximately three years.

12 Q. Was he your steady partner at  
13 that time?

14 A. Yes.

15 Q. When you went into that first  
16 building, were you the one who was  
17 involved with the discussion with the  
18 desk officer or was it Detective Jaffer  
19 or were you doing it interchangeably?

20 A. I don't remember who it was.  
21 It could have been me or Detective  
22 Jaffer, I don't remember.

23 Q. At that point, can you tell me  
24 what your expectations were in terms of  
25 the type of assistance that you would

1 J. HARTIGAN

2 render in the investigation when you were  
3 talking to the desk officer?

4 A. I don't believe the desk  
5 officer knew anything in regard to the  
6 investigation. He was just directing us  
7 where to go.

8 Q. No, I'm asking you in your  
9 mind, what were your expectations in  
10 terms of the type of assistance that you  
11 would offer investigation-wise with  
12 respect to that case?

13 A. Any type of assistance that the  
14 superior officer that was assigned to the  
15 case would want or the detective who was  
16 assigned to the case would need.

17 Q. Who were those superior  
18 officers?

19 A. I don't remember if Lieutenant  
20 Doyle was there.

21 Q. I'm sorry?

22 A. I don't remember if Lieutenant  
23 Doyle was there.

24 Q. Could he have been there?

25 A. He might have. He could



1 J. HARTIGAN

2 possibly have been there, yes.

3 Q. What was his title?

4 A. Lieutenant of the Manhattan  
5 North Homicide Squad. Commanding officer  
6 of the Manhattan North Homicide Squad.

7 Q. So you were under his command;  
8 is that correct?

9 A. Yes, sir.

10 Q. And Detective Jaffer was under  
11 his command; is that correct?

12 A. Yes, sir.

13 Q. And would you agree, sir, that  
14 the Central Park case received enormous  
15 publicity?

16 MS. DOLAN: Objection.

17 BY MR. WARREN:

18 Q. You can answer.

19 A. At what time, sir?

20 Q. At that time?

21 A. I don't believe so. I don't  
22 remember seeing or hearing anything about  
23 it at the time I got to Central Park.

24 Q. But would the lieutenant have  
25 been your immediate supervisor if he was

1 J. HARTIGAN

2 A. I don't remember.

3 Q. Okay. So when you left that  
4 first building, what did you do and where  
5 did you go?

6 A. To the youth room.

7 Q. To the youth room. That was in  
8 an entirely different building; is that  
9 correct?

10 A. Yes, sir.

11 Q. Once you got to the youth room,  
12 did you see any white shirts, any  
13 supervisors?

14 A. No, sir, I don't believe so.

15 Q. Okay. When you got to the  
16 building housing the youth room, what did  
17 you do?

18 A. We entered into the youth room  
19 and I -- Sergeant Fiston was there. We  
20 identified ourselves to Sergeant Fiston  
21 and told him we were extra manpower. If  
22 he needed anything, we were there to  
23 assist him.

24 Q. Had you ever interacted with  
25 Sergeant Fiston before, prior to that?

1 J. HARTIGAN

2 A. I don't remember.

3 Q. To your knowledge, what role  
4 did Sergeant Fiston have with the  
5 investigation at that point?

6 A. I don't know. All I know is  
7 that he was a sergeant.

8 Q. He was in the room when you  
9 arrived?

10 A. Yes.

11 Q. Did Detective Jaffer accompany  
12 you in the room?

13 A. Yes.

14 Q. Who else was in the room?

15 A. Detective Gonzalez.

16 Q. Detective Gonzalez?

17 A. Yes.

18 Q. And who else?

19 A. Kevin Richardson, a person I  
20 subsequently learned was Kevin  
21 Richardson, and his mother.

22 Q. What took place when you came  
23 into the room? What happened?

24 A. I informed Sergeant Fiston that  
25 we were from the Homicide Squad and we

1 J. HARTIGAN

2 were there to assist him in any way he  
3 needed it.

4 Q. What was Sergeant Fiston doing  
5 at that time when you first walked in?

6 A. As far as I remember, he was  
7 just standing there.

8 Q. He was just standing there?  
9 Was he talking to anybody?

10 A. I don't recall his talking to  
11 anybody.

12 Q. And you said that Detective  
13 Gonzalez was in the room, as well?

14 A. Yes, sir.

15 Q. What was he doing when you and  
16 Detective Jaffer first walked in?

17 A. He was sitting down.

18 Q. He was sitting down?

19 A. Yes, sir.

20 Q. And what was he doing while he  
21 was sitting down?

22 A. He was talking to Mr. Richardson.

23 Q. He was talking to Mr. Richardson?

24 A. Yes, sir.

25 Q. When you say talking, did it

1 J. HARTIGAN

2 appear to be an interview?

3 A. I believe so, yes.

4 Q. So is it fair to say that when  
5 you walked in, an interview was in  
6 progress?

7 MS. DOLAN: Objection to form.  
8 You can answer.

9 A. It appeared to be, yes.

10 Q. And that was Kevin Richardson  
11 being interviewed by Detective Gonzalez;  
12 is that correct?

13 A. Yes, sir.

14 Q. What time was that when you  
15 walked in, approximately?

16 A. Somewhere around ten o'clock.

17 Q. Somewhere around ten o'clock?

18 A. Yes.

19 Q. After you walked in, Detective,  
20 what did you do immediately thereafter?

21 A. Again, I spoke to Sergeant  
22 Fiston.

23 Q. What did you speak to Sergeant  
24 Fiston about?

25 A. That we were from the Homicide

1 J. HARTIGAN

2 Squad and we were extra manpower if he  
3 needed us.

4 Q. When you were speaking with  
5 him, was the interview still going on  
6 with Kevin Richardson and Gonzalez?

7 A. I don't remember if the  
8 interview was still going on.

9 Q. And when you told him that,  
10 what, if anything at all, did he say?

11 A. I don't remember.

12 Q. What happened after that?

13 A. Myself and Detective Jaffer  
14 left the youth room.

15 Q. How long were you in the youth  
16 room before you left?

17 A. I don't believe we were there  
18 very long; maybe five minutes. Maybe  
19 five minutes.

20 Q. So you came in, you spoke with  
21 Sergeant Fiston. He was the only one you  
22 spoke with at that time and you left,  
23 correct?

24 A. Yes, sir.

25 Q. Other than Sergeant Fiston and

J. HARTIGAN

Detective Gonzalez and Mr. Richardson,  
was there anyone else in the room when  
you and Detective Jaffer first arrived?

A. I believe there was another  
person in the room, yes, at that time.

Q. Another person? Would that  
have been a detective or a police  
officer?

A. A detective or a policer  
officer.

Q. What was that person doing?

A. He was just sitting there.

Q. Where was Detective Gonzalez  
seated in relation to Mr. Richardson when  
you came into the room?

A. If I remember correctly, as we  
entered the room, Detective Gonzalez was  
on my left seated at a desk on my left.  
Mr. Richardson was sitting in front of  
him and Sergeant Fiston was standing over  
here (indicated), which would be on my  
right-hand side.

Q. On your right-hand side?

A. Yes.

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P-APP002592

1 J. HARTIGAN

2 Q. And do you recall observing  
3 Detective Gonzalez taking any notes while  
4 he was having a discussion with Kevin  
5 Richardson?

6 A. I don't recall that.

7 Q. You don't recall that?

8 A. I don't remember, no, sir.

9 Q. In other words, he could have,  
10 you just don't remember?

11 A. I don't remember there were any  
12 conversations while we were there. I  
13 don't remember him speaking while we  
14 there.

15 Q. You don't remember who  
16 speaking?

17 A. Detective Gonzalez.

18 Q. What was he doing?

19 A. I guess we had interjected  
20 ourselves into the interrogation and he  
21 had just -- I believe he had stopped. I  
22 believe he had stopped.

23 Q. When you say you had  
24 interjected yourselves in the  
25 interrogation, what do you mean?

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1 J. HARTIGAN

2 A. Into the interrogation room.  
3 Into the youth room; when we came in.

4 Q. Okay.

5 A. I think -- I seem to remember  
6 Detective Gonzalez stopping and as we  
7 talked to Sergeant Fiston.

8 Q. What did you say to Detective  
9 Gonzalez when he stopped?

10 A. I didn't say anything to him.

11 Q. And what did you say to -- did  
12 you have a discussion with Ms. Richardson  
13 at that time?

14 A. With who, sir?

15 Q. Ms. Richardson, at that time.

16 MS. DOLAN: I'm sorry, Ms. or  
17 Mr.?

18 MR. WARREN: Miss.

19 THE WITNESS: Miss? M-I-S-S.

20 MR. WARREN: Yes.

21 THE WITNESS: You said a

22 Ms. Richardson --

23 MS. DOLAN: Objection to form.

24 BY MR. WARREN:

25 Q. Did you have discussions with

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1 J. HARTIGAN

2 anyone else?

3 A. I had no discussions with  
4 anybody.

5 Q. Then there came a time that you  
6 left the room; is that correct?

7 A. Yes, sir.

8 Q. How long were you and Detective  
9 Jaffer in the room before you left?

10 A. I believe I already answered  
11 that. About five minutes.

12 Q. Five minutes?

13 A. Yes, sir.

14 Q. For what reason did you leave?

15 A. We went outside, waiting any  
16 instructions that -- whatever they needed  
17 us to do. We had to enter back out into  
18 the roadway awaiting any instructions.

19 Q. I'm trying to piece this  
20 together in my mind. For what reason did  
21 you leave the room after speaking with  
22 Sergeant Fiston? Why didn't you stay in  
23 the room?

24 A. Because we weren't part of what  
25 was going on. We went outside waiting

1 J. HARTIGAN

2 for instructions as to what they needed  
3 done.

4 Q. Did Sergeant Fiston tell you to  
5 go outside or what?

6 A. I don't remember, sir.

7 Q. But you went outside how long  
8 after you spoke with him?

9 A. Approximately five minutes.  
10 Maybe even less than five minutes.

11 Q. Maybe less than five minutes?

12 A. Yes, sir.

13 Q. So it was as a result of a  
14 discussion that you had with Sergeant  
15 Fiston that you and Detective Jaffer went  
16 outside?

17 MS. DOLAN: Objection to form.

18 BY MR. WARREN:

19 Q. Is that correct?

20 A. I don't know if Sergeant Fiston  
21 directed us to go outside or we just went  
22 outside. I have no recollection of what  
23 happened.

24 Q. Was he in your mind a  
25 supervisory officer of the investigation

1 J. HARTIGAN

2 at that time?

3 A. He was the supervisor that I  
4 saw. He was the only supervisor I saw,  
5 if I remember correctly.

6 Q. Would he have had the authority  
7 to instruct both you and Detective Jaffer  
8 to go outside if that's what his desire  
9 was?

10 MS. DOLAN: Objection to form.

11 A. Yes. I imagine so, yes.

12 Q. So after speaking with him, you  
13 and Detective Jaffer went outside.

14 A. Yes, sir.

15 Q. When you say you went outside,  
16 where did you go when you went outside?

17 A. There's a roadway outside  
18 between the buildings.

19 Q. So when you went outside,  
20 you're saying that you left that building  
21 all together; is that correct?

22 A. The youth room, yes.

23 Q. The youth room is in a  
24 building; is that correct?

25 A. I think the youth room is part

KEVIN RICHARDSON

1 MR. MYERBERG: I think I'm entitled to ask  
2 the question.

3 MR. MOORE: Well --

4 MR. MYERBERG: So, if you have an objection,  
5 you can make the objection, but I'm entitled to  
6 ask the question.

7 MR. MOORE: Note my objection.

8 Q. Did you have any semen on any of your clothing  
9 that you had been wearing that night?

10 A. I don't know. I didn't have nothing.

11 Q. Sorry?

12 A. No.

13 Q. Now, at any time, apart from during the  
14 videotaped statement, and during the visit to Central Park,  
15 did you see ADA Elizabeth Lederer?

16 A. Repeat that, I'm sorry.

17 Q. At any time, other than the videotaped statement  
18 and the time that you went to Central Park, sometime after  
19 the -- April 19th, did you ever see ADA Lederer again at  
20 any of the precincts that you were at?

21 A. I don't remember seeing her.



22 Q. And at any point, apart from when you went to  
23 Central Park, did you see ADA Fairstein at any of the  
24 precincts that you had been at?

25 A. I don't remember seeing her.

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variants: or less commonly Dumpster fire

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US, informal

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T3-JM-TS

4949

1 Fairstein - People - Cross - Burns

2 Q Now, between 8:30 and 11:30, did you participate in  
3 any questioning of any individuals?

4 A I questioned police officers.

5 Q Just officers.

6 A Right.

7 Q Now, at 11:30, you say, is the first time you --

8 MR. BURNS: Withdrawn.

9 Q At what point in time -- at what point in time did  
10 you -- were you aware of the fact that Yusef Salaam was in the  
11 20th Precinct?

12 A I have -- I would put it in the 11 o'clock period,  
13 but it was between 11 and 11:30.

14 Q And do you have any -- can you tell the Court who  
15 told you, or how you came by that information?

16 A I was in a room with a lot of police officers, and,  
17 as different events unfolded that evening, because there were  
18 many participants, and a lot of police activity, people would  
19 enter the room to tell some of the supervisors what was going  
20 on.

21 Q And I believe -- and you were functioning as a  
22 supervisor?

23 A No. I'm talking about police supervisors.

24 Q But you were working along with the supervisors,  
25 were you not?

T3-JM-TS

4950

1 Fairstein - People - Cross - Burns

2 MS. LEDERER: Objection.

3 THE COURT: I'll let her answer it.

4 A I was not supervising a police investigation, no.

5 I was there to assist, and to assist Ms. Lederer, if I  
6 could be of any use.

7 Q Well, in the course of your assisting with the  
8 investigation, while you were on the second floor squad room,  
9 someone came in and mentioned Yusef Salaam, is that it?

10 A Yes.

11 Q And was anything said about his age at that time?

12 A No.

13 Q At that point, you didn't have any -- you didn't  
14 know how old he was?

15 A No.

16 Q Did you know that he was a teenager or older? Did  
17 you know that?

18 A I didn't know anything.

19 Q Nothing at all?

20 And then, at 11:30, you had a call, that there was a  
21 lawyer downstairs?

22 A Not a call. Someone came in.

23 Q And told you?

24 A And said to me, particular.

25 Q You don't know who that person was?



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Arthur Clements

anyone representing you from Corporation  
Counsel?

A. Again, your question is about?

Q. A negative relationship or friction  
between Nancy Ryan and Linda Fairstein.

A. No, I had not heard that.

Q. Ultimately, prior to arraignment,  
this case became a case belonging to the Sex  
Crimes Bureau; is that correct?

MR. MYERBERG: Objection.

A. I don't know specifically whether  
that is accurate or not from my perspective. It  
was assigned to Elizabeth Lederer.

Q. And to your knowledge, was Linda  
Fairstein supervising Elizabeth Lederer?

MR. MYERBERG: Objection.

A. No.

Q. What was your understanding of her  
involvement in the case prior to the arraignment  
of Linda Fairstein's involvement prior to the  
arraignment?

A. I don't know if I -- I think Linda  
Fairstein was at the precinct, but that the case  
was assigned to Elizabeth Lederer.

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1 Arthur Clements

2 make you think that it was a bad idea? Were you  
3 worried that it's not appropriate or not a good  
4 thing to take statements from kids that are that  
5 young?

6 MR. MYERBERG: Objection.

7 A. No, I didn't have any concern about  
8 that. The statements were being taken in the  
9 youth room with parents or guardians present.

10 Q. Did it ever cross your mind that  
11 these were young children, did you ever think of  
12 them in that way?

13 MR. MYERBERG: Again, up to  
14 arraignment or at that time?

15 MS. FISHER-BYRIALSEN: At that  
16 time.

17 MR. MYERBERG: Objection.

18 A. No, I didn't have any concern. To  
19 the extent I knew their ages, I knew statements  
20 were being taken by people who were less than  
21 16.

22 Q. We talked about where the case was  
23 assigned earlier, and I asked you if ADA  
24 Fairstein was supervising ADA Lederer and you  
25 said no. Do you know if anyone was supervising

1 Arthur Clements

2 her, anyone at all from the DA's office?

3 MR. MYERBERG: Objection.

4 A. I think I testified earlier that I  
5 did not, I did not know specifically, you know,  
6 what Linda Fairstein's role at the precinct was,  
7 but that from my perspective, ADA Lederer was  
8 assigned to the case. So her supervisor would  
9 have been our boss, John Hogan, the Chief of  
10 Trial Bureau 40.

11 Q. During your first period at the  
12 24th Precinct up to the interview of or up to  
13 the conclusion of the statement by Clarence  
14 Thomas, did you ever see John Hogan at the  
15 precinct?

16 A. No.

17 Q. Did you ever see any other  
18 supervisors from Trial Bureau 40 at the  
19 precinct? You mentioned earlier there was one  
20 other person other than John Hogan.

21 MR. MYERBERG: Objection.

22 Q. Dan McNulty, did you ever see him  
23 at the precinct?

24 MR. MYERBERG: Objection.

25 A. No, I did not see Dan McNulty at

1 Arthur Clements

2 the precinct but I wouldn't have expected to see  
3 him there.

4 Q. Why not?

5 A. Because Elizabeth Lederer was  
6 qualified to handle homicide cases, and  
7 Assistants who went to precincts on, you know,  
8 homicide call typically did not have supervisors  
9 with them at the precinct, they handled that on  
10 their own.

11 Q. In regards to this case at that  
12 time, did you think of her as your superior?

13 A. Who?

14 Q. ADA Lederer.

15 A. At that time in 1989, I thought  
16 that John Hogan and Dan McNulty and another  
17 deputy bureau chief, if there was one, were my  
18 supervisors.

19 (Mr. Warren entered the room.)

20 MS. FISHER-BYRIALSEN: Just for the  
21 record, Michael Warren just came in. This  
22 is Mr. Clements.

23 MR. WARREN: Yes, we met.

24 MS. FISHER-BYRIALSEN: Just let the  
25 record reflect Mr. Warren is here.

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E. LEDRER

Page 777

1 Yusef was in the group, and Raymond said 13:37:41  
2 Kevin. To me, saying everybody charged 13:37:46  
3 her and identifying names, Steve, Raymond 13:37:50  
4 and Kevin is not a troubling discrepancy. 13:37:54  
5 They're saying everybody did it. 13:38:04  
6 Q. When you say not a troubling 13:38:06  
7 discrepancy, would you agree that there 13:38:09  
8 was a discrepancy in the accounts? 13:38:11  
9 MS. DOLLIN: Objection to form. 13:38:16  
10 A. I think I already said that 13:38:17  
11 there were differences between one 13:38:19  
12 statement and the next, and I'm happy to 13:38:20  
13 explain why those were not significant to 13:38:22  
14 me at the time or today if you want me to. 13:38:26  
15 Q. So, so do you then agree that 13:38:30  
16 with respect to all the aspects of the 13:38:47  
17 crime mentioned in paragraph 86, that 13:38:52  
18 there were, that the statements by the 13:38:54  
19 five defendants give different accounts 13:38:58  
20 with respect to each of those five, 13:39:01  
21 whether you regard them as significant or, 13:39:06  
22 you know, troubling or whatever. 13:39:08  
23 I'm just asking whether you 13:39:09  
24 agree that with respect to who initiated 13:39:11  
25 the attack, who knocked the victim down, 13:39:14

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P-APP002614

Linda Fairstein

Page 261

1 meeting his father. I saw Raymond 16:47:16  
2 Santana's father that morning, the morning 16:47:20  
3 seven to nine a.m. at the 24th Precinct. 16:47:24  
4 I believe I saw other parents. 16:47:36  
5 I know I saw other parents at hours 16:47:40  
6 throughout the day of the 21st and other 16:47:43  
7 young men. I saw Michael Briscoe, I 16:47:48  
8 remember distinctly, and I believe family 16:47:53  
9 members of his. 16:47:56  
10 Q. Did you know that Raymond 16:48:00  
11 Santana had to be re-interviewed because a 16:48:02  
12 parent was not present? 16:48:05  
13 MS. DAITZ: Objection to form. 16:48:08  
14 A. Did I learn that Raymond Santana 16:48:14  
15 had to be re-interviewed when, what day, 16:48:17  
16 what time, I don't know. 16:48:20  
17 Q. Whenever he was interviewed, 16:48:22  
18 particularly on the 19th. 16:48:25  
19 MS. DAITZ: Your personal 16:48:26  
20 knowledge prior to arraignment is what 16:48:27  
21 he's asking you. At the precinct, did you 16:48:30  
22 come to learn the fact as Mr. Beldock just 16:48:32  
23 characterized it. 16:48:35  
24 A. I didn't have any personal 16:48:36  
25 knowledge of what happened on the 19th 16:48:39

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P-APP002615



Linda Fairstein

Page 262

1 before -- on the 19th, no. 16:48:41

2 Q. Nobody gave you any information 16:48:45  
3 about what happened on the 19th? 16:48:48

4 MS. DAITZ: Objection to form. 16:48:49  
5 You can answer. 16:48:50

6 A. The information that was being 16:48:51  
7 given was being given to Ms. Lederer who 16:48:52  
8 was the prosecutor in charge of the 16:48:55  
9 investigation. 16:48:57

10 Q. You didn't get that information 16:48:58  
11 as well? 16:48:59

12 A. I got some of the information. 16:48:59  
13 She was doing her job. It wasn't as 16:49:02  
14 though she was coming to me to tell me 16:49:05  
15 everything. 16:49:08

16 Q. So did you learn anything about 16:49:08  
17 what happened on the 19th? 16:49:11

18 A. Anything about what happened on 16:49:12  
19 the 19th, yes, I previously answered. 16:49:13

20 Q. I'm talking about questioning of 16:49:15  
21 any of the young men. 16:49:22

22 A. I don't recall now being told 16:49:24  
23 any specifics. 16:49:27

24 Q. Okay. Back on the 20th at the 16:49:29  
25 20th Precinct, what were you doing for 16:49:39

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P-APP002616

Linda Fairstein

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1 three and a half hours that you were 16:49:49

2 there? 16:49:51

3 A. I was trying to facilitate what 16:49:51

4 Ms. Lederer needed to do. So I spent a 16:49:59

5 lot of time on the phone. 16:50:03

6 Q. When I said three and a half 16:50:04

7 hours, I think it's probably more like 16:50:06

8 four hours, right, 8:30 to 12:30? 16:50:09

9 A. 8:30 to 11:30, it was three 16:50:12

10 hours because, as you know, at 11:30 I 16:50:16

11 became involved with another issue. 16:50:19

12 Q. You're giving us to understand, 16:50:21

13 and you'll correct me if I'm wrong, that 16:50:27

14 you had no supervisory involvement in Ms. 16:50:30

15 Lederer's work at the 20th Precinct; is 16:50:34

16 that correct? 16:50:38

17 MS. DAITZ: Objection to form. 16:50:38

18 A. Those are not my words. That's 16:50:39

19 not the impression I'm trying to create. 16:50:44

20 Q. Were you supervising the 16:50:47

21 investigation? 16:50:49

22 A. No, I was not doing that. 16:50:50

23 Q. Were you the senior District 16:50:52

24 Attorney there? 16:50:54

25 A. I was the Senior Assistant 16:50:54

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P-APP002617



Linda Fairstein

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1	District Attorney there for, as I've	16:50:58
2	testified at the trial, administrative	16:51:02
3	purposes. I was not there -- I assigned	16:51:05
4	Ms. Lederer because she did not need at	16:51:07
5	the precinct a legal supervisor.	16:51:10
6	Q. Were you participating in the	16:51:13
7	investigation?	16:51:15
8	A. As of 11:30 that night, I was	16:51:18
9	not participating in any part.	16:51:22
10	Q. As of 8:30 that night?	16:51:24
11	A. I'm sorry, from 8:30 to 11:30,	16:51:26
12	no. I set Ms. Lederer up. I began to	16:51:30
13	make phone calls to expedite her work.	16:51:33
14	Q. The phone calls were to	16:51:36
15	Morgenthau?	16:51:38
16	A. Several to Morgenthau, several	16:51:39
17	to and from John Hogan, her Bureau Chief.	16:51:41
18	I spent time on the phone with one of the	16:51:46
19	neurosurgeons at Metropolitan Hospital. I	16:51:50
20	spent a lot of time on the telephone with	16:51:54
21	one of Ms. Meili's brothers.	16:51:59
22	Q. Go on.	16:52:04
23	A. I spent time on the phone with	16:52:11
24	the desk at the 24th Precinct inquiring	16:52:15
25	about the designated youth room there and	16:52:18

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P-APP002618

Linda Fairstein

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1	whether we could clear -- whether they	16:52:20
2	could clear for Ms. Lederer and Mr.	16:52:23
3	Clements the youth room, and could handle	16:52:26
4	the operation if we moved it to their	16:52:30
5	precinct.	16:52:35
6	Q. Anyone else you were talking to?	16:52:35
7	A. Possibly, but I don't recall.	16:52:38
8	Q. Let me show you an exhibit	16:52:40
9	that's been premarked as 5.	16:52:45
10	MS. DAITZ: Thank you.	16:53:00
11	Q. Do you recognize --	16:53:05
12	A. Just a minute.	16:53:07
13	MS. DAITZ: Fairstein Exhibit 5	16:53:11
14	is a one-page document, NYC025732.	16:53:14
15	Q. This --	16:53:25
16	A. Just a minute. I'm having	16:53:26
17	trouble with the handwriting. Just let me	16:53:29
18	read it and I'll answer your questions,	16:53:31
19	please. Okay, yes.	16:53:33
20	Q. This --	16:53:48
21	MR. BELDOCK: Withdrawn.	16:53:50
22	Q. You said you spent some time	16:53:51
23	talking to a doctor, right?	16:53:52
24	A. Yes.	16:53:54
25	Q. This document is not the doctor	16:53:55

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E. LEDRER

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1	Monday, I think.	12:00:03
2	A. I remember going that morning.	12:00:06
3	I don't, as I sit here, know whether I	12:00:12
4	went another time or not. But I don't	12:00:17
5	believe I went a second time before	12:00:20
6	concluding the videotaped statements.	12:00:23
7	Q. Right. Your going to the crime	12:00:28
8	scene occurred in the course of you taking	12:00:32
9	these videotaped statements, correct?	12:00:35
10	MS. DOLLIN: Objection.	12:00:38
11	Q. In other words, you took some	12:00:38
12	before you went to the crime scene and you	12:00:41
13	took some after you went to the crime	12:00:43
14	scene, correct?	12:00:45
15	A. That's correct.	12:00:46
16	Q. What was your purpose in going	12:00:46
17	to the crime scene?	12:00:48
18	A. I went to the crime scene to	12:00:50
19	familiarize myself with the location where	12:01:01
20	the crime occurred.	12:01:07
21	Q. Are you finished?	12:01:15
22	A. I think so.	12:01:16
23	Q. At the point you went to the	12:01:16
24	crime scene, you had heard from -- you had	12:01:18
25	interviewed several of the young boys, and	12:01:21

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P-APP002620

E. LEDRER

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1 at least some of them had told you that 12:01:25  
2 the, had placed the attack on the jogger 12:01:29  
3 at the reservoir, correct? 12:01:33

4 MS. DOLLIN: Objection to form. 12:01:35

5 A. I don't believe that any 12:01:37  
6 statement, and without looking at the 12:01:47  
7 transcripts or the statements, I can't say 12:01:50  
8 for sure, but I don't think that any of 12:01:53  
9 the statements made by the young men say 12:01:56  
10 this happened at the reservoir. I believe 12:01:59  
11 that in the Q and A, there are several 12:02:02  
12 questions and several answers about the 12:02:09  
13 location. 12:02:11

14 And I think that that's true in 12:02:12  
15 almost all of the videotaped statements, 12:02:14  
16 that it's not a one-word answer, there's 12:02:17  
17 some description. 12:02:20

18 And as I sit here today, I don't 12:02:21  
19 believe anybody simply said at the 12:02:25  
20 reservoir. 12:02:27

21 Q. Is it your understanding that 12:02:28  
22 Antron McCray allegedly placed the 12:02:30  
23 location of the assault on Patricia Meili 12:02:34  
24 at the reservoir? 12:02:36

25 A. As I said before, I would have 12:02:39

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P-APP002621



E. LEDRER

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1 to look at the statements again. I don't 12:02:42  
2 believe the answer given by Antron McCray 12:02:45  
3 about the location of the attack on 12:02:49  
4 Patricia Meili was simply the words that 12:02:50  
5 it was at the reservoir. 12:02:53

6 I believe in the videotaped 12:02:55  
7 statement that I took, I think that I had 12:03:00  
8 asked him more questions about the 12:03:02  
9 location. 12:03:04

10 Q. What about Raymond Santana, did 12:03:06  
11 he place the, allegedly place the location 12:03:08  
12 of the assault of Patricia Meili at the 12:03:12  
13 reservoir, do you recall that? 12:03:15

14 MS. DOLLIN: Objection to form. 12:03:17

15 A. As I sit here today, I don't 12:03:18  
16 remember where Raymond Santana put it. 12:03:24

17 Q. The location of this crime, 12:03:26  
18 where somebody put the location of the 12:03:28  
19 crime would be a pretty important fact in 12:03:30  
20 the course of the investigation, right? 12:03:33

21 MS. DOLLIN: Objection. 12:03:34

22 A. I'm sorry, can you repeat the 12:03:35  
23 question? 12:03:40

24 Q. Right. In the course of 12:03:40  
25 interviewing numerous suspects about a 12:03:42

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P-APP002622

E. LEDRER

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1 crime, the location of that crime would be 12:03:46

2 an important fact to establish, correct? 12:03:49

3 A. It would be one of many facts to 12:03:52

4 establish, yes. 12:03:56

5 Q. It would be one of the important 12:03:57

6 facts, the location of the crime, correct? 12:03:59

7 MS. DOLLIN: Objection to form. 12:04:00

8 A. I could imagine that in some 12:04:01

9 cases the location might not be important. 12:04:04

10 Q. You don't believe the location 12:04:06

11 in this case would have been an important 12:04:08

12 fact? 12:04:11

13 MS. DOLLIN: Objection to form. 12:04:11

14 A. In this case, I believe it was 12:04:13

15 one of the important facts. 12:04:17

16 Q. Right. And you knew, you knew, 12:04:18

17 did you not, before a decision was made to 12:04:21

18 charge these young men for rape that there 12:04:25

19 had been varying accounts as to where, as 12:04:28

20 to the location where the attack on 12:04:30

21 Patricia Meili took place, you knew that, 12:04:33

22 did you not? 12:04:36

23 A. When I took the videotaped 12:04:37

24 statements, the descriptions of the 12:04:46

25 locations of that crime and other crimes 12:04:52

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P-APP002623

E. LEDRER

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1	were described in terms of roadways and	12:04:56
2	pathways, and it was often confusing to	12:04:59
3	understand --	12:05:05
4	Q. Nobody used the term reservoir?	12:05:06
5	MS. DOLLIN: Objection. Asked	12:05:08
6	and answered.	12:05:09
7	A. Can I finish my answer?	12:05:10
8	Q. I'm asking, I want to know	12:05:11
9	whether anybody used the term reservoir,	12:05:13
10	any of the young boys when they indicated	12:05:16
11	the location of the attack on Patricia	12:05:20
12	Meili, do you recall that?	12:05:22
13	MS. DOLLIN: Objection.	12:05:24
14	A. I didn't finish the answer to	12:05:24
15	the last question.	12:05:26
16	Q. All right.	12:05:27
17	THE WITNESS: Can you read that	12:05:28
18	back, please?	12:05:29
19	MR. MOORE: Actually, I'm going	12:05:36
20	to withdraw that question.	12:05:37
21	Q. Let me ask you this question.	12:05:38
22	Was there confusion in your mind, after	12:05:41
23	having done several of the interviews, as	12:05:43
24	to the location of where the attack on	12:05:46
25	Patricia Meili took place, was there any	12:05:48

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P-APP002624

E. LEDRER

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1 confusion in your mind at the time? 12:05:50

2 A. Well, I'm not sure how to answer 12:05:52

3 that. The attack covered close to 300 12:05:57

4 feet of ground, and some of the 12:06:04

5 statements, like the statement of Kharey 12:06:08

6 Wise describing the waterfall and the fire 12:06:11

7 reflect exactly where the body was found. 12:06:16

8 Some of the statements describe 12:06:20

9 the young men coming over the ball fields 12:06:23

10 onto the 102nd Street Cross Drive, which 12:06:25

11 is right north of the Cross Drive. And 12:06:29

12 some used points of reference as roadways. 12:06:32

13 There was obvious confusion when 12:06:37

14 we were trying to determine when someone 12:06:40

15 said a roadway whether it was the roadway 12:06:42

16 where the cars, meaning the 96th or 97th 12:06:45

17 Street Transverse or whether it was the 12:06:49

18 West Drive or the East Drive -- 12:06:51

19 Q. Are you finished? 12:06:53

20 A. No. 12:06:54

21 Q. All right. I really wish you 12:06:55

22 would just try to answer the question as 12:06:56

23 succinctly as you can, because you just go 12:06:58

24 on and on and on. 12:07:01

25 MS. DOLLIN: Mr. Moore, would 12:07:02

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P-APP002625



E. LEDRER

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1 you just allow my client to answer. 12:07:04

2 Q. And we don't have a lot of time, 12:07:05

3 we don't have unlimited time. Let me just 12:07:06

4 12:07:08

5 A. Can I just finish just the rest 12:07:08

6 of the sentence? 12:07:09

7 Q. Can you tell me whether there 12:07:10

8 was any confusion in your mind as to 12:07:11

9 whether the rape took place near the 12:07:13

10	reservoir or near, north of the 102nd	12:07:16
----	---------------------------------------	----------

11 Street Transverse, was there any confusion 12:07:19

12 in your mind at any point before the 12:07:20

13 decision was made to charge, to arrest any 12:07:22

14 of these young boys for rape? 12:07:24

15 MS. DOLLIN: You can finish your 12:07:26

16      answer.      12:07:28

17 A. There was -- I don't think that 12:07:28

18 I knew enough of the evidence to know 12:07:36

19 where the attack had happened while I was 12:07:41

20 at the precinct. 12:07:43

21 Q. So your answer is that there was 12:07:44

22 no confusion in your mind, correct? 12:07:46

23 MS. DOLLIN: Objection to the 12:07:48

24 form. 12:07:49

25           A.     That's not my answer.                       12:07:49

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**P-APP002626**

E. LEDRER

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1 Q. Well, that was the question. 12:07:51  
2 Can you answer that question, was there 12:07:52  
3 any confusion in your mind, did you have 12:07:53  
4 any doubt in your mind at any point until 12:07:56  
5 these young boys were arrested for rape as 12:07:58  
6 to whether the rape took place near the 12:08:01  
7 reservoir or north of 102nd Street 12:08:04  
8 Transverse? 12:08:07  
9 MS. DOLLIN: Objection. You can 12:08:07  
10 answer. 12:08:09  
11 A. While I was taking the 12:08:09  
12 videotaped statements, the important 12:08:13  
13 information for me was whether or not each 12:08:16  
14 of the young men admitted participating in 12:08:19  
15 the attack on Patricia Meili. 12:08:21  
16 That was paramount in my mind at 12:08:23  
17 the time we were at the precincts. The 12:08:27  
18 location of the attack was less 12:08:29  
19 significant than the criminal acts 12:08:31  
20 themselves. 12:08:35  
21 Q. That doesn't answer the 12:08:35  
22 question. The question was, was there 12:08:37  
23 some confusion in your mind as to whether 12:08:38  
24 some kids were saying it happened at the 12:08:41  
25 reservoir or some said it happened north 12:08:44

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P-APP002627

E. LEDRER

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1 of the 102nd Street Transverse before the 12:08:46  
2 decision was made to arrest these, anybody 12:08:48  
3 for rape of Patricia Meili. 12:08:50

4 It's a very simple question. 12:08:53  
5 Did you have different -- were the boys 12:08:55  
6 saying different things as to the location 12:09:01  
7 of the assault on Patricia Meili? 12:09:04

8 MS. DOLLIN: Objection. That 12:09:06  
9 was asked and answered. Go ahead. 12:09:07

10 A. Are you asking me in 1989 when I 12:09:09  
11 was at the 20 and 24 whether there was any 12:09:12  
12 confusion in my mind at that time? 12:09:17

13 Q. Yes. 12:09:19

14 A. And the answer is, I wasn't 12:09:20  
15 focussing on that. I was focussing on 12:09:22  
16 criminal responsibility for the attack 12:09:25  
17 which came in the form of their admissions 12:09:26  
18 of what they themselves had done. That 12:09:29  
19 was the focus at that time. 12:09:32

20 Q. So the answer is there was no 12:09:34  
21 confusion in your mind about the location? 12:09:36

22 MS. DOLLIN: Objection. 12:09:39

23 A. I don't think that's a fair 12:09:40  
24 statement of what I'm telling you. 12:09:41

25 Q. That was the question. If you 12:09:42

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P-APP002628

E. LEDRER

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1 can't answer it, you can't answer it. 12:09:44

2 Either you had some confusion in 12:09:47

3 your mind -- 12:09:50

4 MR. MOORE: Let me withdraw it. 12:09:50

5 Let me ask it this way. 12:09:52

6 Q. Did you receive information that 12:09:55

7 contradicted the information you had in 12:09:56

8 terms of where the location of the rape 12:09:59

9 took place, did you receive information 12:10:02

10 that was contradictory? 12:10:05

11 In other words, did some people 12:10:08

12 say it took place near the reservoir and 12:10:09

13 some boys said it took place north of the 12:10:12

14 102nd Street Transverse prior to the 12:10:15

15 decision to charge, to arrest anybody for 12:10:17

16 rape? 12:10:19

17 MS. DOLLIN: Objection. That 12:10:21

18 question was asked and answered, but you 12:10:22

19 can answer it again. 12:10:25

20 A. The videotaped statements that I 12:10:26

21 took gave different descriptions of where 12:10:28

22 the crime happened. But you're asking me 12:10:36

23 if I was confused at the time, and I can 12:10:40

24 say I wasn't focussing on that so I can't 12:10:42

25 say yes, I was confused or no, I wasn't. 12:10:45

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P-APP002629



E. LEDRER

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1 It was not the primary focus of, it was 12:10:48  
2 not my primary focus. 12:10:54

3 Q. Well, if you have two people who 12:10:57  
4 are being investigated for the same crime 12:11:00  
5 and one says it happened at one location 12:11:04  
6 and one says it happened at another 12:11:05  
7 location, doesn't that raise, wouldn't 12:11:07  
8 that raise some concern for you about 12:11:09  
9 whether you're getting an accurate 12:11:11  
10 statement about somebody's participation? 12:11:14

11 A. At what point? 12:11:19

12 Q. At the point you get involved 12:11:20  
13 and you're looking at it, you're taking 12:11:22  
14 statements. 12:11:25

15 A. If two people experience an 12:11:26  
16 event, they often describe it differently 12:11:28  
17 because different things catch their 12:11:31  
18 attention. They remember different 12:11:34  
19 things, and the way they describe it in 12:11:36  
20 recalling it is different. 12:11:38

21 As I think I testified earlier, 12:11:39  
22 the crime scene in Central Park was 12:11:44  
23 particularly difficult because -- 12:11:49

24 Q. Right. 12:11:51

25 A. -- it's trees -- 12:11:52

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P-APP002630

E. LEDRER

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1 Q. I'm going to have to interrupt 12:11:54  
2 you at this point. All right, let me ask 12:11:56  
3 it this way because you're going to go on 12:11:58  
4 and on and on. 12:12:01

5 If somebody said a crime 12:12:02  
6 occurred at 42nd Street and someone said 12:12:04  
7 the crime occurred at 34th Street, would 12:12:07  
8 that raise any -- and both were alleged to 12:12:10  
9 be involved in the same crime, would that, 12:12:11  
10 would that, as a prosecutor, would that 12:12:14  
11 give you any concern as to whether the 12:12:16  
12 statements that are being made are 12:12:18  
13 truthful? 12:12:20

14 MS. DOLLIN: Objection. 12:12:21

15 A. I think part of the trouble for 12:12:21  
16 me is if each of those two people admitted 12:12:24  
17 killing the same person, and one person 12:12:29  
18 said it happened at 42nd Street and one 12:12:31  
19 person said it happened at 34th Street, at 12:12:33  
20 the point of arrest, that would be a less 12:12:36  
21 significant contradiction than the fact 12:12:38  
22 that they admitted together killing him. 12:12:41

23 Q. So the location, what they're 12:12:45  
24 admitting to as the location wouldn't be a 12:12:47  
25 significant fact for you? 12:12:49

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P-APP002631

E. LEDRER

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1 MS. DOLLIN: Objection to form. 12:12:50

2 A. At the time that I was at the 12:12:51

3 station, and at the time that the decision 12:12:53

4 was being made to arrest these young men, 12:12:55

5 the location was not as significant as the 12:12:58

6 admissions they were making. 12:13:04

7 Q. So all you were concerned about 12:13:06

8 was the fact that they had admitted their 12:13:08

9 involvement in the rape. It didn't matter 12:13:12

10 what the location was. It didn't matter 12:13:15

11 if there were inconsistencies in terms of 12:13:18

12 who assaulted her. It didn't matter if 12:13:19

13 there were inconsistencies in terms of 12:13:22

14 what was used to assault her. It didn't 12:13:24

15 matter if there were inconsistencies with 12:13:27

16 regard to what she was wearing or not 12:13:29

17 wearing, any of those facts. 12:13:31

18 All you were concerned about was 12:13:32

19 that they had made admissions to a rape 12:13:33

20 and that was enough for you? 12:13:38

21 MS. DOLLIN: Objection to form. 12:13:40

22 A. In my prosecution of this case, 12:13:41

23 in the days and weeks after arraignment, a 12:13:44

24 lot of work was done. And I believe 12:13:46

25 you're asking me about what was done prior 12:13:50

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